

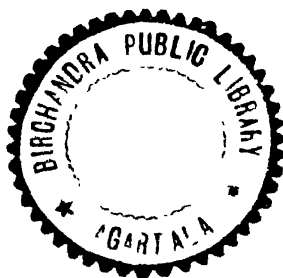
BOOKS BY  
ERLE STANLEY GARDNER

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ERLE STANLEY GARDNER

*The Case of  
The Fugitive Nurse*



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## FOREWORD

FEW people have any accurate understanding of the duties of a coroner. Unfortunately this lack of understanding is shared by many coroners.

It is for this reason that proponents of the 'medical examiner system' wish to abolish the office of coroner and several states have passed the necessary legislation to bring this about.

There are, however, several examples of outstanding competency in the office of coroner. One of them is Dr. S. R. Gerber.

Dr. Gerber has been the coroner of Cuyahoga County, Ohio, since January. (Cuyahoga County includes the City of Cleveland and suburbs, and has a population of approximately one and a half million.)

Dr. Gerber was a physician and surgeon when he became coroner. Since that time, realising the extent to which legal problems entered into a coroner's duties, Dr. Gerber managed to work a complete night school law course into his crowded calendar, and, as a result, was admitted to the Ohio Bar.

This gives Dr. Gerber the distinction of being one of the relatively few individuals who are fully qualified both in the field of medicine and in the field of law.

A good coroner should be an expert in interpreting evidence. He should therefore know what evidence is, both from a legal and a practical standpoint. He should understand the problem of proof. He should be an expert medical man, and he should, in addition to his technical knowledge, use clear thinking and good, sound common sense.

One of Dr. Gerber's cases is quite illustrative.

The body of a man was found at the foot of a flight of stairs. He had been carrying a loaded, cocked revolver, and the revolver had been discharged. There was a wound in the body from which the man had died.

The first hasty reconstruction of what had happened indicated suicide. Then there were those who suspected the possibility of an accident resulting from a fall down the stairs.

Dr. Gerber applied his knowledge of medicine, his scientific technique, his knowledge of proof, and his common sense.

The result was an outstanding illustration of what can be done under such circumstances by a trained man.

Dr. Gerber came to the conclusion that the man had not been killed by a bullet from the gun which had been discharged, but by a wound from another weapon. This opened up an entirely new chain of investigation, and it eventually appeared that the man had engaged in an altercation with an assailant, had received a wound which was not immediately fatal, that he had dashed upstairs to get his gun in order to defend himself against further attack and perhaps to avenge himself. Starting back down the stairs with his loaded gun in his hand, the man had expired from the wound which had previously been inflicted. His inert body had fallen to the bottom of the stairs and the gun had been discharged in the fall.

It was, therefore, a case of murder, not accidental death, not suicide.

Years ago Dr. Gerber realised the importance of the coroner's office in the field of public disaster. He has since been recognised as an outstanding authority in this little understood field.

Let us suppose there is an explosion accompanied by fire, or perhaps that a nursing home which has become a fire trap

goes up in smoke. It may be possible to identify a few bodies, but, for the most part, a coroner is confronted with chunks of charred flesh which are all that remain of the victims.

Consider, however, the legal problems which are involved. If a victim can be identified, insurance can be collected. Quite frequently in such cases this insurance is double the face of the policy. If the individual cannot be identified, in many states it is necessary to wait seven years before the fact of death can be established legally.

What can this mean to a widow?

It means on the one hand the widow can receive double indemnity insurance while the money is needed and can do some good. On the other hand, it means that the widow must not only wait seven years before claiming the insurance, but may then be limited to the face of the policy. Moreover, during that seven-year period, deprived of her husband's earnings, she may well find it necessary to keep up the premiums on the policy in order to keep it in force.

This is, of course, one extreme of a legal situation, but it shows how vitally important it is for a coroner to see that evidence is gathered and preserved so that there can be proof.

There are other legal problems involved, such as the probate of wills, the distribution of property, the termination of marital relationships, and many other kindred complications.

Dr. Gerber has made a study of disaster identification. There is not space here to discuss the matter even generally, but it is in itself a complete science, involving carefully planned co-ordination of effort from the outset, the control of the work of volunteer organisations, the collection, preservation and correlation of evidence, the use of photography, spectroscopic examination, X-rays and scientific deduction.

There are other duties imposed upon a conscientious coroner which many people fail to appreciate.

Dr. Gerber has made a study of traffic deaths, of accident prevention. He has compiled careful statistics concerning the effect of alcohol in connection with traffic fatalities. He has originated methods of determining intoxication, interpreting data obtained by analysis. He has been instrumental in studies of intoxication which show the effect of alcohol upon the brain, the thought centres and upon muscular co-ordination. He has helped compile a standard of percentages which is now accepted as authentic in circles of legal medicine.

Dr. Gerber has designed one of the most efficient coroner's laboratories in the world. This building is a monument to scientific investigation in the field of accident and sudden death. Its efficiency is attracting attention throughout the nation. To say that it is well ahead of others in the field is like stating that the atom bomb is an improvement on the fire-cracker.

This building is a tribute to Dr. Gerber's high professional standing, to the confidence which he has inspired in the citizens of Cleveland, and to the citizens of Cleveland themselves.

Those of us who are familiar with the subject realise that Cleveland is rapidly achieving leadership in the field of scientific investigation and legal medicine. This city is a stimulating example of what can be done when a community responds to and supports the work of an outstanding citizen.

In all probability the activities of Dr. Gerber have resulted in *preventing* far more deaths than those he has been called upon to investigate, despite the fact that the latter are numbered in the thousands.

We need more doctors to specialise in this field. We need a better knowledge of legal medicine and what it can do.

Practising attorneys need to know more about legal

medicine, and, above all, an educated and awakened public needs to realise the importance of the subject.

Too frequently citizens think that all the coroner does is to pick up dead bodies, and the office is bestowed as a political favour upon someone who needs the job and is a genial mixer or an affable Lodge member.

Actually the coroner's office is one of vital importance. Here and there a few outstanding individuals have shown what it means to the public, have had the professional competence to assume the full responsibilities of the office, and have rendered, by study and hard work, outstanding public service in the field.

I think it is generally conceded that the name of Dr. S. R. Gerber must be placed among those at the very top of the list. He commands the respect and admiration of all those who know what is going on in the field.

It is, therefore, with great pleasure that I express my profound admiration for an outstanding figure in the field of detection, suicide, murder, and the investigation of sudden death.

So I dedicate this book to my friend:

S. R. GERBER, M.D.

*Coroner of Cuyahoga County, Ohio*

Erle Stanley Gardner



## CHAPTER ONE

DELLA STREET, Perry Mason's confidential secretary, laid an expensively engraved visiting-card on the lawyer's desk.

Mason looked at it, said: "Mrs. Summerfield Malden. What does *she* want, Della?"

"Does the name mean anything to you?" Della Street asked.

"No. Should it?"

She nodded. "It's been in the newspapers. She's Steffanie Malden, the wife, or, rather, the widow of Dr. Summerfield Malden. Dr. Malden was flying his own plane to a medical convention in Salt Lake City. The plane crashed.

"Yesterday's paper had the story. It was spotted from the air within less than an hour of the time it crashed. It was on one of the dry lakes in the desert. Dr. Malden's charred body was found in it. Apparently he'd had trouble, had tried to make a forced landing and had crashed."

Mason nodded. "I remember now. Dr. Malden was noted as a surgeon, wasn't he?"

"Highly successful not only as a surgeon, but he had a huge office practice," Della Street said.

"I suppose," Mason observed musingly, "Mrs. Malden wants to see about probating his estate, but—hang it, Della, she's in an unseemly hurry. Usually those things wait until after the funeral. The widow is supposed to be prostrated with grief."

"*Supposed* to be is right," Della Street said.

"You mean this one isn't?"

"Well," Della Street said, "she's nervous. She's impatient. She's smartly dressed, young, attractive. She's sitting out

there tapping the toe of a forty-dollar shoe against the floor, exposing a neat nylon-clad leg, and looking as though she very definitely had something other than grief on her mind."

"You say she's young?" Mason asked. "Wasn't Dr. Malden middle-aged?"

"He was. She's a second wife, I gather—or perhaps a third the way she looks. She's quite a package."

"How old?"

"Twenty-five, twenty-six. A beautiful figure, knows it. Dresses to show it in just the right way, and in perfect taste. Money. She radiates money. She was an expensive toy for Dr. Malden to keep up. You can bet on that and have a safe bet."

Perry Mason laughed. "Hang it, Della, I don't know what I'd do without the little feminine appraisals that you make. I probably would have overlooked most of that."

"Not on this girl you wouldn't," Della Street said, smiling. "You wouldn't overlook anything. She'd see to that."

"Rather an unusual attitude for a woman who has just been widowed."

"She's had twenty-four hours," Della Street said.

"Well, have her come in, Della. I suppose that she'll expect a certain amount of deferential sympathy."

"She'll expect a certain amount of deferential *attention*," Della Street said. "She's accustomed to command it."

"Command?" Mason asked.

Della Street nodded, and went out to escort Mason's visitor into the office.

Steffanie Malden was attired in a pearl-grey suit of an expensive, light-weight wool material, moulded to the lines of her figure. A platinum mink stole was draped casually about her shoulders. A large square-cut diamond flashed as she pulled off her grey doeskin gloves.

"Mr. Mason," she said as though greeting a friend whom she had known for many years, "I can't begin to tell you how

much I appreciate your courtesy in seeing me without an appointment. I have some idea of how busy you are."

She glanced at Della Street.

"Sit down," Mason said. "Don't mind Miss Street, my secretary. She knows everything about my clients that I know, and probably some things I don't."

There was a faintly perceptible frown on Steffanie Malden's face.

"This is a very embarrassing matter, a *very* personal matter, and a *very* confidential matter," she said.

"Quite right," Mason said, "and Della Street will take personal, confidential notes, and see that nothing happens to them."

"You—I—I hardly know how to begin," she said, crossing her knees, smoothing the pearl-grey skirt down over her legs, her hazel eyes fastened on the toe of her left shoe.

"Begin at the middle," Mason said.

She glanced up at him quickly. "I thought you'd say begin at the beginning. That's what people usually say in response to a statement of that sort."

"Well, then, let's be unusual," Mason said. "Sometimes it's better to begin in the middle and then you're not so far from either the beginning or the ending."

She gave an excited, nervous little laugh and said: "My husband was Dr. Summerfield Malden. He was a prominent physician. He—he was killed in a plane accident."

"So I understand," Mason said. "I read about it in the paper."

There was silence for several seconds, then she caught herself as though her mind had been wandering a million miles away and came back to the present.

"You see, my husband was in trouble, Mr. Mason."

"What sort of trouble?"

"His income tax."

"What about it?"

"The Bureau of Internal Revenue has been looking into the cases of all doctors lately, particularly the successful doctors who have large office practices."

Mason nodded.

"Of course, as you know, a physician takes in a number of collections in cash. People frequently pay cash for office consultations, and—well, things like that."

"Your husband had a large office practice?" Mason asked.

"He treated many patients by diathermy. There was a staff of nurses who gave the treatments and——"

"He also had nurses who took in the collections, didn't he?" Mason asked.

She nodded. "Gladys Foss was his right hand, his head nurse, office manager, and all that."

"The investigators have interviewed Miss Foss?"

"They've questioned her, yes."

"She's available?"

"Not at the moment. I had no idea," Mrs. Malden went on with some acerbity, "that Gladys was going to join my husband in Salt Lake City."

"You have now learned that was the plan?"

"Yes. Dr. Malden arranged for Gladys to go to Phoenix, Arizona, to get some data from a hospital there. She isn't in Phoenix. She went there and then vanished."

"You think Gladys Foss was to join your husband in Salt Lake City?"

"Come, come, Mr. Mason," she said, "let's not be naïve."

"What else can you tell me about Miss Foss?" Mason asked.

"Gladys Foss is twenty-seven. My husband was fifty-two. Just at a rather dangerous age. He—oh, well, he was a man. He was associated with Gladys a good many hours a day. They had a very close confidential relationship."

"And you think something else ripened from that?"

She laughed and said: "Good heavens, Mr. Mason, I'm not dumb. I wasn't born yesterday."

"The newspapers haven't commented on this?" Mason asked.

"As yet they haven't. That's an angle they've overlooked. That's something else I'll have to steel myself against. Reporters coming to the door and gently breaking the news to me, asking if I can explain why."

"And what will you do?" Mason asked.

"Look them right in the eye," she said, "and tell them: 'Certainly. Miss Foss was to go to Phoenix and then go to Salt Lake City.' I'll tell them that I was planning to join them, but was delayed for a day, that my husband wanted me to drive the car up and the three of us would be together. What did you expect I was going to say? Did you expect me to clasp my hands and tearfully proclaim to the reporters that my husband must have been leading a double life and I didn't know about it?"

"You are not his first wife" Mason asked.

"I'm his third—and I didn't steal him. The second one stole him from the first one. Then she died and he was very, very lonely, and I wasn't too anxious to catch him. I didn't have to throw myself at anyone.

"And don't get the idea that it was a marriage for money, Mr. Mason. If I'd married someone seventy years old and very wealthy that would have been different. I married a man who was exactly twenty-five years older than I am. I suppose that in another ten years the relationship would have become—well, strained, but I believe in crossing bridges when I come to them. I married Dr. Malden because the man fascinated me.

"He was a thinking machine. He was able to give cool, detached, intellectual consideration to any problem and arrive at a diabolically ingenious solution."

"And the income tax trouble?" Mason asked.

"They *claim* he secreted a hundred thousand. They can't prove it. The only thing they had on him was that his cash collections were nowhere near as large as the cash collections of other doctors who have a similar practice. They also found a couple of patients who reported cash payments for operations, one of two hundred dollars, one of three hundred and fifty. They claim my husband's books show no such payments for the period in question."

"So what happened?"

"So they questioned my husband, and my husband simply laughed at them. He told them that he didn't know anything at all about his financial matters, that Gladys kept his books and——"

"And what did Gladys Foss say?"

"Nothing. She promised to look it up and then left on her vacation."

"How long has she been with him?"

"Four years."

"How long had you been married to him?"

"Five years."

"You had no way of suspecting that perhaps you were sharing your husband's affections?"

She laughed. "Let's not beat around the bush, Mr. Mason. No, I had no way of knowing that. And if you had known Dr. Malden you would realise why."

"Why?"

"He believed in keeping his own counsel. I don't think he ever confided anything to anyone. Anything he said was for a purpose, he said as much as he wanted to and no more."

"All right," Mason said. "You've given me a preliminary picture. You've talked all around the problem that you really wanted to consult me about. Now suppose you go ahead and tell me what it is."

She said: "What happens in probating an estate of this kind, Mr. Mason?"

"Did your husband leave a will?"

"Yes."

"What are the terms of that will?"

"Everything was left to me. Every cent."

"Insurance?"

"There's insurance that had been taken out some time ago and was assigned to me."

"How much was that insurance?"

"A hundred thousand dollars. It's void in case of suicide."

"All right," Mason said. "After the funeral you will file a petition asking to be appointed the executrix of his last will and testament."

"What about taking possession of his property? Suppose—suppose my husband *did* have some cash concealed somewhere?"

"That, of course," Mason said, "is a matter that the State takes into consideration. The State doesn't like to lose tax money. I mean both the State Inheritance Tax Department and the Bureau of Internal Revenue."

"In the event of death all safe-deposit boxes are sealed. They cannot be opened except in the presence of a representative of the Inheritance Tax Department."

"I see," she said, once more regarding the toe of her left foot. She glanced quickly at Della Street, then looked back again.

"Go ahead," Mason said.

She said: "I hardly know how to approach the subject I am about to bring up, Mr. Mason."

"Don't approach it," Mason said. "Just walk right into it. After all, we've been strangers long enough. You know the facts of life and I'm a lawyer. Let's get down to brass tacks. What is it you want?"

She said: "I try to be observant."

Mason nodded.

"I always like to pride myself on being—well, alert."

"Wide-awake?" Mason asked, glancing at Della Street.

"Wide-awake," Steffanie said, "but not a snoop."

"All right. Go ahead."

She said: "My husband received a certain number of night calls, of course. One has to expect those in medical life. I—well, I always like to know what's going on."

"You said that before," Mason said.

"I kept an eye on things."

Mason nodded.

"Well," she said, "I found—well, this makes me sound awfully snoopy."

"Don't worry so much about yourself," Mason said.

"Worry about the results you want to achieve. Now let's quit stalling and tell me."

"All right," she said. "My husband carried a leather key container in his pocket. I looked it over from time to time. I could tell all of the various keys. He had a safe-deposit box which, of course, the Bureau of Internal Revenue will be watching like a hawk. He had keys to his office. He had a key to the compartment in his safe where he kept all his narcotics. He had a key to the house, a key to the garage."

"Go ahead," Mason said.

"And two other keys I couldn't account for."

Mason nodded.

"So," she said, "I took a candle, melted it, and made wax impressions of those keys. Do you blame me, Mr. Mason?"

"How long ago was this?" Mason asked.

"Approximately a year."

"Go on," the lawyer told her.

She said: "I had duplicates of those keys made and I made up my mind that I would try to find out what doors they fitted. Whenever I had a chance around my husband's office I would surreptitiously try one of those keys on any lock that I found."

"What did they fit?"

"I can assure you they fitted nothing in my husband's office."

"What did they fit?"

She said: "I employed a private detective to shadow my husband. I found that he spent some time at the Dixiewood Apartments. I have reason to believe that these keys are for Apartment 928-B in the Dixiewood Apartments. I know my husband paid the rent on that apartment. I hope you won't utterly detest me, Mr. Mason, but I simply can't stand to know that people are doing things that really concern me, and not know what is going on."

She opened her purse, took out two keys, compared them for a moment, then put them on Mason's desk.

"Go ahead," the lawyer said cautiously, glancing at Della Street.

"Also there was this." She handed Mason a group of Photostats stapled together.

"What are these?" the lawyer asked.

"I don't know—that is, I don't know what they mean. Actually these are photostatic copies of the pages of a small note-book that was in the pocket of his vest. They are in the same order as the pages."

Mason thumbed through the photostatic copies. "How did you get these?"

She lowered her eyes. "The note-book was in his vest pocket. It was a small thin note-book, and I noticed that he valued it very highly. One day when he was changing his suit of clothes I slipped out this note-book and concealed it."

"What happened?"

"He missed it by the time he got to the hospital. He telephoned and asked me to look in the suit of clothes he'd left to be sent to the cleaners and see if the note-book was there. I told him to hold the phone while I looked, and then after a few minutes told him I'd found it. He seemed terribly relieved and asked me to drive at once to his office and give

the note-book to Gladys Foss, under no circumstances to give it to anyone else, and to start at once."

"What did you do?"

"Exactly as he requested, only I stopped long enough to have photostatic copies made. I didn't wait for them to be developed. I just had the copies made on the photostatic paper, and picked them up the next day."

Mason took the photostats. "What else?" he asked.

"I'm being shadowed."

"By whom and why?"

She said: "I think by representatives of the Bureau of Internal Revenue. I don't know. I know that I am being kept under surveillance."

"Since how long?"

"Since my husband left."

"Go on," Mason said.

"All right, I'll put it right on the line, Mr. Mason. Let us suppose that my husband was leading a double life. Let's suppose that under an assumed name he was living at the Dixiewood Apartments, that Gladys Foss met him there, that—well, let us suppose that there's a safe in that apartment, and in that safe is perhaps a considerable sum of cash, perhaps a hundred thousand dollars. Now then, what's going to happen?"

"What was the name under which that apartment was rented?" Mason asked.

"Charles Amboy," she said.

"Now I'm going to ask you a rather personal question. Was Charles Amboy supposed to have a wife?"

"But of course. Why else would he have this apartment?"

"Do you *know* that he had someone living there with him?"

"No, I don't, if you want to put it that way. I know that at the Dixiewood Apartments he was supposed to be Mr. Charles Amboy and—well, that was enough for me."

"But you do know definitely that your husband was the one who rented the apartment?"

"Oh yes."

"How do you know?"

"I found a receipt for a year's rent in his pocket one time. The receipt was in the name of Charles Amboy, and was for Apartment 928-B."

"How much was the rental?"

"Five thousand dollars."

Mason's eyebrows moved slightly in a gesture of surprise. "He would hardly have paid that rental in cash."

She said: "My husband had another bank account under the name of a fictitious partnership, Malden & Amboy. He'd give cheques on this account, signing either his own name or that of Amboy."

"And perhaps used this fictitious partnership as a means of siphoning off some of his earnings?"

"I don't know."

"The rental was five thousand dollars a year?"

"That's right."

"Your husband evidently maintained a rather high-class love nest."

"Well, why not? He had a large earning capacity. I think nothing is more deadly to romance than a surreptitious affair in a cheap little apartment with drab rugs, a little pine dressing-table, a wavy mirror, a rickety bed. It makes the whole affair seem shoddy."

Mason studied her for a moment. "You'll pardon me, but you sound almost as if you were speaking from experience."

She looked at him in tight-lipped silence.

"You have never been to that apartment?" Mason asked at length.

"No."

"Why not?"

"Good heavens, Mr. Mason. Why should *I* go there?"

"To see what was going on, to get evidence perhaps."

"Evidence of what?"

"Had the thought of divorce never entered your mind?"

"No. I am very happy in my present life. I didn't object to my husband having a mistress as much as I did having him try to outwit me, to keep things from me. I could share his physical love with someone else, but I simply couldn't stand the thought of having him out-smart me. It was, of course, something of a shock when I found my husband was maintaining another apartment, but—well, frankly, Mr. Mason, I think you may have a wrong picture."

"In what way?"

"My husband's philandering may have been something of a side issue."

"It usually is," Mason said.

She laughed. "I didn't mean it in exactly that way."

"How did you mean it?"

She said: "Let's look at it this way, Mr. Mason. A doctor is different from most people. It is necessary that someone know where he is almost every minute of the time so he can be reached in the event of an emergency. An ordinary individual can tell his wife he's going to Chicago on a business trip, pack his suitcase, and go live with a sweetie-pie for four or five days, but a physician has a hundred cases that he must keep at his finger-tips. It may be necessary to locate him at any hour of the day or night."

Mason nodded.

She said: "My husband would receive a lot of night calls from a 'Mrs. Amboy', and whenever he received one of those calls he would leave and tell me that I could reach him at a certain number."

"What was that number?"

"Crestline 6-9342. I made arrangements to get the location of the telephone at Crestline 6-9342 from the telephone com-

pany. I found that it was in Apartment 928-B in the Dixie-wood Apartments.

"My husband probably met Gladys Foss in that apartment. Perhaps she lived there. I don't know."

"As Mrs. Amboy?"

"Probably."

"You never took steps to find out?"

"No."

"Go on," Mason said. "What was it you were going to tell me about the philandering being a sideline?"

She said: "I think, of course, there was a romantic attachment between my husband and Gladys Foss."

"She's good-looking?" Mason asked.

"One woman never gets enthusiastic over the appearance of the third point in the triangle," she said, "but I can tell you this, Gladys Foss is a knockout."

"Can you describe her?"

"She has everything a woman wants and that a man needs—eyes, hair, figure, technique. Specifically, she's about twenty-seven, brunette, large dark eyes, five feet two inches, a hundred and twelve pounds, beautiful legs that she likes to have noticed and streamlined hips. I'd hate her for her looks even if she hadn't thrown her hooks into my husband."

"Yet you don't think your husband was solely concerned with her physical charm?"

"That's exactly the point, Mr. Mason. I think that while there was, of course, a romantic attachment, I think there was also a business tie. I think that my husband met her to work on a secret set of books, and to figure out how things could be manipulated so as to—well, no," she said, suddenly catching herself. "I shouldn't go that far. I am simply suggesting it to you as a possibility."

"You'd better tell me some more about the mysterious Mrs. Amboy," Mason said.

"Calls would come in from Mrs. Amboy asking if Dr.

Malden could come to the phone. He'd always talk with her and there'd be quite a talk about symptoms. Of course, I couldn't hear the conversation at the other end of the line, but my husband would say: 'When did you first have this pain, Mrs. Amboy?' or 'Can you tell me a little more about the shortness of breath?' or something like that. Then he'd say wearily: 'Well, I guess I'd better run down for a few moments.'"

"Then what?"

"Then he'd tell me that he was going out on a call, that I could reach him at Crestline 6-9342, and that after he'd left there he'd be at the homes of certain other patients, giving me the order in which he intended to make his night calls.

"Three or four times when I had to call him, there had been a lapse of considerable time. I tried to figure out where I could pick him up without disturbing any more people than was absolutely necessary. So I'd call him at perhaps the third number or the fourth number he'd given me, and find out he hadn't got there. So I'd keep on down the line and then would find that he was still at Crestline 6-9342. Whenever that would happen he'd tell me that there were complications in the Amboy case, and he was just leaving."

"Did that make you suspicious?"

"Not at first."

"Where is Miss Foss now?" Mason asked.

"I wish I knew," she said. "Presumably she's in Salt Lake City."

Mason said: "If a man could have a hundred thousand dollars in cash in ten years from unreported income his income must have been *exceedingly* large."

"It was."

"Very well," Mason went on. "Let's look at it from a cold, logical viewpoint. Let us say that if your husband could drag down ten thousand dollars a year in cash without the income tax people suspecting it until recently, then his in-

come must have been at least a hundred and fifty or two hundred thousand dollars a year from all sources."

"Gross," she said.

"Do you think that's an approximate figure?"

"Yes. I think it was all of that—gross. His expenses were terrific. It cost him all of six thousand a month to keep going."

"All right," Mason said. "Now why should a man put himself in the position of jeopardising his professional standing, his way of life, even his liberty, in order to save income tax on a hundred thousand dollars? They do send people to prison for tax frauds, you know, Mrs. Malden.

"Even if your husband didn't go to prison it would be a nasty scandal which would undoubtedly affect his professional standing and damage his reputation more than he would gain by chiselling on his income tax."

"Well, Mr. Mason," she said, "no matter what my husband's motives were, don't you think we should find out the facts before anyone else does?"

"Meaning what?"

"Meaning that I'd like very much to know whether that apartment my husband maintained under the name of Charles Amboy was a love nest or a second business office."

"Or both," Mason suggested.

"All right, let's suppose it was both. Then there'd be a safe in there in which a large sum of money was concealed. We must suppose that Gladys Foss, or whoever shared that love nest with him, has the combination of the safe. Suppose Gladys learns my husband was killed in a plane crash—and she must know it by this time—wouldn't it be a great temptation to her to go to that apartment, open the safe and take out the money and disappear?"

"I assume it would be," Mason said. "Where does Gladys Foss live?"

"She has a little bungalow at 6931 Cuneo Drive."

"How far is that from the Dixiewood Apartments?"

"About a mile or a mile and a half, I guess."

"And Gladys Foss lives alone in this bungalow?"

"Yes."

Mason frowned. "That's rather unusual."

Mrs. Malden shrugged her shoulders.

"You've tried to find where Gladys Foss is now?"

"Of course. I've been out to her house. I've pinned a note on the door. I've left word at the office. I called the hospital in Phoenix."

"She'd been there?"

"Yes. She'd been there and left."

"You've looked in Salt Lake City?"

"No, Mr. Mason. I'm not equipped to do that. I want you to do that."

"You mean that you want me to hire detectives to——?"

"Exactly," Mrs. Malden said.

"Of course," Mason told her, "the Bureau of Internal Revenue has probably anticipated us in this matter. I am assuming they are already trying to get in touch with——"

"I don't think so," she interrupted. "I think that we can assume that while the income tax people felt my husband had been knocking down some cash which he had not reported, they do not know anything about that apartment, and I wouldn't be too certain they'll ever learn about it."

"Let's go back to this income tax business," Mason said. "The investigators felt that your husband's cash receipts were not as large as they should have been."

"That's right."

"So they made a check-up and found two patients who had paid in cash and who presumably had receipts, and in checking your husband's books found the cash had not been reported."

She smiled and said: "Well, it's hardly that simple."

"Why not?"

"Well, my husband was a very busy man. He had a terrific office practice. He used diathermy and had several diathermy machines, and kept four nurses employed in the office."

"Gladys Foss was the head nurse?"

"Yes, that's right—she was his office manager, confidential secretary, head nurse, and all of that. She was his right hand.

"My husband explained to the income tax people that they regarded book-keeping as something of a nuisance at the office, that they marked accounts paid, but whether they were paid in the form of cash or cheque was something he didn't know. He also stated that he left things entirely to Gladys Foss."

"And you say they interviewed Gladys Foss before she went on her vacation?"

"Yes. She told them that she was too busy around the office giving treatments and supervising what went on to waste time on book-keeping. She only kept what books were absolutely necessary. She told them that Dr. Malden didn't believe in pestering patients over bills, that his attitude towards money was very lax. She said they kept a safe in the office in which she put the cash that was received from patients, and—and this is the point, Mr. Mason, that has complicated the entire situation—cash deposits were made only every two weeks. She said they were too busy to be running down to the bank every few hours and leave the office full of waiting patients."

"Those cash deposits, I take it, were rather high?"

"They were not particularly high. That's what started the income tax investigation. During the period when that patient paid three hundred and fifty dollars in cash the books show that a thousand odd dollars was deposited during a two-week period. The income tax people think it should have been at least two thousand dollars. But no one can tell from the way the books were kept whether that three hundred and fifty dollars in cash was included or not."

Mason nodded.

"Naturally the income tax people think that's a highly inefficient way of keeping books. They questioned Gladys Foss, and she told them she was a nurse and not a book-keeper. They felt Dr. Malden should have a book-keeper, and he said he detested them; that he was busy practising the healing art, that money meant very little to him; that his practice was sufficiently lucrative to give him all he wanted to live on, and that, after all, he was a doctor and not a banker."

"And then Gladys Foss went on her vacation?"

"That's right."

"And the income tax people were going to question her again when she got back?"

"Well, she told them she'd try and look up some of those specific payments, but she was quite positive that no money had been taken from the business and secreted in a tax-free account."

"Then what happened?"

"There was a period of quiet. I think probably the income tax people were making an audit of my husband's expenditures and looking around to see if they could find where he had a safe-deposit box, or anything of that sort."

"But it hasn't occurred to them as yet to try and find out whether he had an apartment somewhere under an assumed name?"

"I would say not. I can't be sure."

"You think it's important that I find Gladys Foss before the income tax people do?"

"Yes."

"And talk with her?"

"Yes."

"And that she will tell me what?"

"You'll have to *make* her talk. You're a lawyer. Give her the works."

"And if I make her admit she had been turning over

tax-free cash," Mason said, "then I've uncovered the very evidence that will cause the estate to have to pay a big penalty."

She bit her lip.

"You hadn't thought of that?"

"No."

"Think of it now, then."

"I—I guess I'd better dump it all in your lap, Mr. Mason, the whole problem. You handle my affairs, settle the estate, represent me, make the best tax settlement you can, and do what's best for my interests."

"You want me to have a completely free hand to do anything that I think is going to be for your ultimate best interests?"

"Yes. I trust you absolutely."

"Thanks."

"Mr. Mason, I know that a lawyer is bound by a code of ethics just as a doctor is, but a lawyer's first duty is to *protect his client*. Now whoever is shadowing me will know that I have come here. That's all right. A woman can be expected to go to her lawyer for legal advice under the circumstances. But you can take over from there and do the things I couldn't."

"Exactly what do you mean?" Mason asked.

"Do I have to dot the *i*'s and cross the *t*'s?" she asked impatiently. "I want protection. If these people find that my husband had undeclared income I'm in for a lot of trouble, and the estate is going to be penalised. Now then, suppose that eventually they do find out about this apartment. Suppose they go there and find nothing. They would know that *I* hadn't been there, because I had been kept under surveillance."

"Go on," Mason said. "Let's have the rest of it."

"They would never suspect *you*. After I leave here they'll follow me, but they won't follow you."

"Wait a minute, wait a minute," Mason said, as she got up and started for the door. "Come back here. You can't put your troubles off on *my* shoulders that way."

She hesitated, said irritably: "The people who are shadowing me are waiting for me to come out. I want it to appear that my visit to you was only in connection with the routine matter of probating my husband's estate. The longer I stay here now the more suspicious those shadows are going to become. I've told you my story. I want you to do all you can to protect me. I shall, of course, expect to pay for it."

"Wait one more minute," Mason said, studying the photostatic copies of the note-book. "These entries seem to be cryptic—some sort of a code."

"Yes."

"Have you any clue to the code?"

"No."

"You've tried to decipher it?"

"Of course."

"Ever try to pump your husband for a clue?"

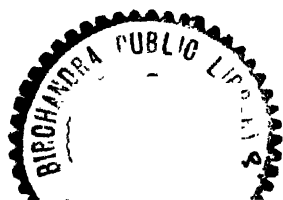
"Certainly not. He was a very smart man. At the first sign of curiosity on my part, at the first question, no matter how casual I tried to make that question seem, I'd have been exposing my hand. No, Mr. Mason, he played his cards close to his chest, I played mine the same way."

Mason pursed his lips as he gave the problem thoughtful consideration.

Abruptly she crossed over to Mason's desk, gave him her hand, smiled at Della Street, turned and started for the exit door. "I don't dare to stay a minute longer."

Mason said: "I'm going to have to think this over."

"Take your time," she told him and walked out.



## CHAPTER TWO

MASON picked up one of the keys, tossed it in the air a few inches, caught it, tossed it a little higher, looked the key over, then said: "Oh, well, I guess I'll take a chance."

"Take me, Chief," Della Street said. "I have a morbid curiosity to see what a love nest looks like, and besides, you'll need someone to act as a witness and take notes."

"Okay," Mason said abruptly. "Get your hat. Let's go."

They looked out into the outer office, saw that Gertie, the receptionist, had gone home. The two stenographers had left promptly at five o'clock.

Della and Perry Mason switched off the lights and let themselves out through the exit door of the private office.

Mason drove his car and they were able to find a parking place within half a block of the Dixiewood Apartments.

"Of course," Della Street pointed out, somewhat musingly, "she can't be sure—not absolutely certain—that one of these keys will fit Apartment 928-B."

"That," Mason said, "will be a simple solution. I can think of more complicating factors. Suppose the keys do fit Apartment 928-B. Suppose a Mrs. Amboy actually lives there. Suppose she's out and we unlock the door and walk in."

"Gosh," Della Street said, "*that* would be bad!"

They reached the outer door of the apartment house. Mason fitted one of the keys to the lock. Nothing happened. He tried the second key and the latch clicked back smoothly. An elevator took them to the ninth floor. Mason paused in front of 928-B long enough to knock twice. When there was

no answer he fitted the key which had unlocked the outer door to the lock and twisted.

Once more the latch clicked back with smooth efficiency.

Mason went in and switched on lights in the apartment.

"Oh-oh!" Della said.

"What?" Mason asked.

"The luxury of it," Della Street said. "It's furnished in good taste. It's comfortable, yet elegant. Gosh, Chief, this cost money!"

"This," Mason agreed, "cost *real* money."

It was a four-room apartment. The rooms were sumptuously furnished.

In a large bedroom was a neatly made bed, still bearing the indentations apparently where a suitcase and a hatbox had been placed on the counterpane.

"She packed in a hurry," Della Street said, indicating the open closet and some of the empty hangers.

Abruptly Mason grasped Della Street's arm, turned her gently towards a corner of the bedroom.

"Do you see what I see?" he asked.

Della Street followed the direction of Mason's eyes.

"Good heavens!" she said. "What—what happened, Chief?"

"I'm afraid," Mason said, "we've walked into a situation that's going to have complications."

A picture had been removed from the wall and was propped on the edge of the carpet so that it stood with its face to the wall. Behind the spot where the picture had hung a section of plasterboard had been removed. Behind this plasterboard was a wall safe. The door of the safe stood half-open.

Mason moved a chair over to the edge of the carpet, climbed up and tried to look in, but was unable to see the back part of the safe.

"Pull the door open," Della Street suggested. "Let's see——"

Mason shook his head. He looked back over his shoulder, said: "Della, see if you can find me a hand mirror somewhere."

"There's one on the dressing-table."

"Let's have it."

Della Street handed up the mirror. Mason, using great care not to disturb the angle of the door on the safe, pushed the mirror up on the inside of the door, then tried tilting it and holding his head pressed tightly against the wall so that he could look up into the mirror.

"Well," Della Street asked, "what's in it?"

"Apparently," Mason said, "the safe is completely empty. Not that it would make a great deal of difference."

"Why not?"

"Suppose the safe now contained ten thousand dollars in cash."

"Well?" she asked.

"The claim could well be made that it *had* contained a hundred thousand and that ninety thousand had been taken."

Della Street's eyes were dark with apprehension. "You can see what's happened, Chief. Whoever was staying here left in a hurry. That person wanted the contents of the safe and took them out, threw them in a suitcase and got out of here."

Mason said: "Perhaps."

Della Street said: "At least that explanation is as logical as any other."

Mason said: "It's *an* explanation. There are others."

"Such as what?"

"Suppose we had the combination to that safe. Suppose it held a hundred thousand dollars. Suppose that money was the property of Dr. Malden. Suppose it was cash that had been surreptitiously withdrawn from his office receipts. Sup-

pose the widow had asked me as her attorney to remove it from the safe, to say nothing about it, to hold it for her until after the estate had been distributed and then to give her half and retain the other half for my fee."

Della Street said thoughtfully: "Good grief! She did virtually ask you to do just that, now that I think back on her conversation."

"Exactly," Mason said dryly. "She certainly had it in mind."

Della Street's face showed dismay. "What—what are we going to do? How can you protect yourself? What can you tell Mrs. Malden?"

Mason said: "Mrs. Malden has a key to this apartment. Question: Did she have the combination to the safe? Question: Did she come here *immediately* after learning of her husband's death and remove the contents of that safe? Question: What position will the income tax people take once they find out Mrs. Malden knew about this apartment and had a key to it?

"It is evident that something valuable was kept in that safe. That's not an ordinary wall safe. That's a very expensive super-secure wall safe. It was used for something that had considerable value. Now then, suppose the Bureau of Internal Revenue adopts the position that Dr. Summersfield Malden had concealed, let us say, a hundred thousand dollars. Suppose they adopt the position that immediately upon receipt of news of his death Mrs. Malden came up here to investigate this love nest. Suppose they adopt the position that she opened the safe and took out the hundred thousand dollars. Suppose they adopt the position that since there was falsification of a joint return, and since Mrs. Malden signed that return, she is guilty of income tax evasion.

"There you have all the circumstantial evidence. There you have a situation which could put our client in a very nasty spot."

"But," Della Street said, "they've been shadowing her. They've had her under surveillance. That was why she couldn't come here herself."

"She says they've had her under surveillance," Mason said.

"Well, she certainly should know. She wouldn't think that she'd been shadowed unless someone had been following her."

"You wouldn't think so," Mason said, "but suppose no one was shadowing her and she lied to us? Then what?"

"Then," Della Street said, "I would say that we were in a hell of a mess."

"Now," Mason said, "your reasoning is exactly parallel to mine. Let's get out of here, Della, and let's try to be very, very careful not to leave any fingerprints. Can you remember what you've touched?"

Mason took a handkerchief from his pocket and started rubbing briskly at the places on the chair which he had touched. Then he dusted off the seat of the chair, and, holding the chair in such a manner that only the handkerchief came in contact with the wood, returned it to its original position.

Della Street opened her purse, took out a handkerchief and diligently polished the hand mirror, obliterating all fingerprints.

Mason walked over to the outer door, polished the knob on the inside, held it open an inch or two and polished the knob on the outside. Then he rubbed his handkerchief over the light switch.

"Anything else?" Mason asked.

"I think I have it all, Chief."

"Let's go," Mason told her.

They left the apartment. Mason took the precaution of rubbing his handkerchief over the door handles of the automatic elevator and over the push buttons of the elevator.

They descended to the ground floor and were half-way

across the lobby when a well-dressed woman, hurrying in, paused abruptly to look searchingly at Perry Mason. She started to bow, then caught herself and swept on to the elevator.

"Know her?" Della Street asked in an undertone.

"No," Mason said. "But apparently she either knows me or thinks she does. That could be a little unfortunate."

He held the door open for Della Street. They hurried down the steps, walked rapidly down the block to where they had parked their car. Mason drove until he came to a drug-store, then parked the car and telephoned the Drake Detective Agency.

"Let me have Paul Drake on the line," the lawyer said. "Paul, I have a job for you. I want action on it right away."

"You always want action right away," Drake told him.

Mason ignored the comment. "You read in the paper about Dr. Summerfield Malden who was killed in an aeroplane accident?"

"That's right."

"According to accounts I get someone is shadowing his widow and has been for the last few days."

"Why?" Drake asked.

"Find out," Mason told him. "She'll be starting for my office soon."

"That all?"

"No. Here's something else. Dr. Malden was *en route* to Salt Lake City to attend a medical convention when he was killed."

"That's what I understood from the newspaper columns," Drake said.

"Now, Paul," Mason told him, "this is confidential. Dr. Malden had an office nurse, a woman by the name of Gladys Foss. She's around twenty-seven, brunette, large dark eyes, about five feet two, weight about a hundred and twelve. According to reports, she's very proud of her legs."

Drake gave a wolf whistle over the telephone.

"She lives at 6931 Cuneo Drive," Mason went on. "She probably isn't there at the moment."

"All right, what about her?"

"She left the office to go to a hospital in Phoenix to check on some records. Then she was going to Salt Lake City to join Dr. Malden."

"Well, well, well," Drake said. "The plot thickens."

"Thickens, hell," Mason told him. "It's curdled!"

"Go on. What are you leading up to?"

"I want you to get men on the job in Salt Lake City and find Gladys Foss."

"Do you know if she's going under her right name?"

"No," Mason said, "but here's something you can figure on. That medical convention is being well attended. Every room in every hotel will be taken. Dr. Malden undoubtedly had made reservations for a room or rooms in Salt Lake City. Now by checking his reservations you may be able to find out something. If you can't do that, get in touch with the Secretary of the Medical Association up there, and find out who was in charge of making reservations for visiting doctors. Dr. Malden was a shrewd thinker, a man who looked far ahead, and he certainly wouldn't have told Gladys Foss to join him in Salt Lake City without having some sort of reservations made for her."

"Okay," Drake said, "we'll get busy."

"And tell your Salt Lake City correspondent to cover his tracks," Mason warned. "I don't want anyone to know exactly what we're after. Tell them to make inquiries but to be discreet. And they may run into some government men on the job. I hope not, but tell your men to play their cards close to their chests."

"All right," Drake said. "I've got it."

"But first and foremost," Mason told him, "we've got to find out who is shadowing Mrs. Malden. I want men put on

that job right away. That takes precedence over everything."

"Can do," Drake said.

"You're sure you can spot these men and find out who they are?"

"Hell, yes! They have to use automobiles. Automobiles have licence numbers. Then the guys have to go someplace to report. If they're still on the job we'll trace them, Perry."

"How soon can you get started?"

"I have one good man in the office right now. I'll start him. I should have a couple more men in order to clinch things."

"Get them," Mason instructed. "Put them on the job and let me know as soon as you find out."

Mason hung up, then looked up the number of Mrs. Malden's telephone and dialled that number.

When he heard a cautious voice say: "Hello," Mason said: "Mrs. Malden?"

"Yes."

"Your line may be tapped," Mason said. "Do you know who this is speaking? Do you recognise the voice?"

"I—I think I do."

Mason said: "You made a call on a professional man this afternoon."

"Yes."

"Wait forty-five minutes," Mason said, "and then go back to that same office."

"But—but it will be late. Can I get in?"

"You can get in," Mason told her. "Go directly to the private office. Knock on the door."

"Now what?" Della Street asked as Mason turned away from the telephone.

"Now," he said, "something that will probably appeal to you—we eat."

"Where? What?"

Mason looked at his watch. "Somewhere that will enable

us to eat and get out in thirty minutes. Preferably some place near the office so we can be there to keep our appointment with Mrs. Malden."

"Couldn't you have seen her sooner and then we could have gone out and taken our time? You're so busy I hate to have you hurry through dinner."

Mason grinned. "I want to see her just as soon as possible, but I want to be certain Paul Drake first has a chance to get a man on the job. By getting her to come to my office Drake's man will be able to shadow whoever is trying to keep her under surveillance. Come on, let's go."

Mason drove within two blocks of the office to a restaurant where he was well known. He and Della entered a booth and Mason, looking at his watch, said to the waiter: "We have exactly twenty-nine minutes before we have to get out of here. We want two Bacardi cocktails, some jellied *consommé*, prime ribs of beef and baked potatoes."

The waiter hurried away.

Mason and Della Street were for the most part silent. They touched the rims of their cocktail glasses. The lawyer kept his eye on his wrist-watch while they ate. They finished in time to drive to the parking space in front of the office building and got to the office three minutes before Mrs. Malden was due.

"We've cut it pretty fine." Della Street said, switching on the lights.

"I know," Mason said. "She probably won't be early. She may be a little late."

Mason had barely seated himself behind his desk when he heard the sound of knuckles tapping on the door.

Della Street opened the door and Mrs. Malden said: "Well, good evening. This is a surprise, Mr. Mason. I hardly expected you'd have results to report so soon."

"Sit down," Mason invited, and, looking at his watch, said: "You're right on time."

"That's one thing my husband taught me. He was very conscious of time. If he made an appointment for a certain time he was there unless some major emergency intervened. Of course, such things happen in the life of a doctor, but he always told me, he said: 'Steffanie, an appointment is made for the purpose of conserving time on the part of both parties. If you make an appointment, be there on time. Never keep the other person waiting, and don't let him keep you waiting.' What have you found out, Mr. Mason?"

Mason said: "Somewhat against my better judgment I took this key and went to the Dixiewood Apartments."

"Personally?" she asked.

"Personally."

"Yes, yes, what did you find?"

Mason said: "We found a luxuriously furnished four-room apartment."

"*Four* rooms?"

Mason nodded.

"That means a living-room, a kitchen and ——"

She paused and raised her eyebrows.

"Two bedrooms and a bath," Mason said.

"*Two* bedrooms."

Mason nodded.

Mrs. Malden glanced at Della Street, then at Mason. "*Two* bedrooms," she repeated.

Mason said nothing.

"Rather a surplusage for a love nest," she commented dryly.

"Now you told me that you had your husband shadowed and found this apartment in that way?"

She nodded. "That's right."

"By a private detective agency?"

"Yes."

"Which one?"

"The Consolidated Investigative Agency."

"You're certain your husband went there?"

"Yes. Tell me, Mr. Mason, did the key work all right without any trouble?"

"Naturally," Mason said. "I got in. Let me ask you a question. Have *you* ever been in there, Mrs. Malden?"

"Me? Good heavens, no! I told you that before. I'm not the kind to snoop—well——" She paused, then laughed nervously and said: "I realise that my actions seemed to contradict that statement. I—I investigate, Mr. Mason, but I don't stoop to snoop."

"You make a distinction between the two?"

"Yes. I think there's a well-defined distinction. But I'm interested to know, Mr. Mason, what else you found."

Mason said: "I found that someone had evidently been in very much of a hurry. A framed picture had been ripped from the wall and had not been replaced. A section of wallboard had been taken from the wall and had not been replaced. Behind that section of wallboard was an oblong recess, and in that recess was a very high-grade, fireproof, burglarproof wall safe."

"Mr. Mason!" she exclaimed.

"The safe," Mason went on, "had been unlocked and the door was part-way open. As nearly as I could ascertain without disturbing things, the safe was empty."

"Empty!" Mrs. Malden exclaimed. "Only my husband had the combination to that safe, and there were thousands of——"

"Yes, go on," Mason said.

She said: "According to the income tax people there must have been—well—well—a hundred thousand——"

Abruptly her eyes searched those of Mason. Suddenly she laughed nervously. "Oh, Mr. Mason!" she exclaimed, "you're *wonderful!*"

Mason raised his eyebrows.

"You got there," she said suddenly exultant. "You looked

around. You found the combination of the safe. You opened it and got the hundred thousand dollars. Now the income tax people can't prove a thing. After it's all over and the smoke has blown away you can hand me the money—less your fee, of course, and under the circumstances I would expect to pay you a very generous fee, a *very* generous fee, Mr. Mason."

"Whoa! Back up!" Mason said. "You've got things all mixed up. I didn't find any money there."

She laughed. "That, of course, is the attitude you're going to *have* to adopt, Mr. Mason. I was told you were a legal wizard. I realise now just how clever you are!"

"Now wait a minute," Mason told her. "Even if I *had* found any money I wouldn't be in a position to do what you suggest. It would be unethical, it would be a violation of law, it would be an attempt to mask a law violation, and——"

"Yes, yes, I know," she said. "You don't need to tell me all that. You're a most resourceful attorney. Mr. Mason, I—I can't *begin* to tell you how grateful I am!"

She came up out of the chair, walked across to Mason, gave him both of her hands. "You're wonderful! Absolutely wonderful! That is the solution that cuts the Gordian knot. Now I can laugh at them."

"Laugh at them," Mason said, "but don't think I'm going to show up giving you any umpty thousand dollars. I tell you that I found the safe open and the door ajar, and as nearly as I could tell, there wasn't a thing in the safe."

She impulsively leaned forward and kissed him. "How can I *ever* thank you!"

Mason said angrily: "Let's get this thing straight. I didn't find any money in that safe, and, under the circumstances, it's pretty damned imperative that no one, absolutely no one, knows that I went to that apartment."

"Of course, Mr. Mason, of course! I can readily understand the necessity of keeping it an absolute secret—now.

Only don't you think it would have been better if you'd closed the safe and replaced the plasterboard and the picture?"

"It might have been better," Mason said, "but I wasn't tampering with any evidence."

"Evidence of what?" she asked.

"I don't know," Mason said, "and because I didn't know, I wouldn't take a chance. For all I know a murder could be wrapped up in this package!"

She laughed. "You lawyers! Oh well, you've worked out a solution, the only real solution. Mr. Mason, I am so grateful!"

"I am trying to tell you," Mason said, with exasperation in his voice, "that I didn't take a single thing from that apartment."

"Yes, yes, I know," she told him, and, flashing Della Street a smile, started for the door.

"Come back here," Mason told her. "Let's get certain things straight."

"Some other time, Mr. Mason. I had an important—well, I—I came up here in a rush and I must, I simply *must* get back. Thank you so much, Mr. Mason! You can't *begin* to understand how grateful I am! Good night."

She swept out of the office.

"Get Paul Drake," Mason said to Della Street.

Della's nimble finger whirled the dial on Mason's private telephone, ringing Drake's emergency number.

"Here he is," she said.

Mason took the phone. "Paul, your man is tailing Mrs. Malden?"

"Yes."

"Do you have any extra operatives you can put on the job?"

"I've got three men on now. One is waiting at her house, one is tailing her and the third man is——"

"She just left my office," Mason warned. "Don't lose her."

"It's all right, Perry. She's being trailed all right, otherwise I'd have heard from my men before this."

Mason said: "All right, get this straight, Paul. She left the office. If it should happen that she ditches your shadow, tell him to go to the Dixiewood Apartments and see if he can't pick up her trail there."

"The Dixiewood."

"That's right."

"Okay, if he phones in that he's lost her, I'll give him those instructions, but I don't think you need to worry, Perry. Those men aren't going to lose anybody. They're veterans."

"Okay," Mason said and hung up.

"Think she's going to the Dixiewood?" Della asked.

"Perhaps."

"Why?"

"To close and lock the safe, wipe off any fingerprints we overlooked, put the plasterboard back in place and hang the picture in front of the plasterboard."

"And eventually the income tax people will find out about that apartment?"

"Eventually they'll find out about the apartment."

"And find the safe?"

"And *probably* find the safe."

"Then what?"

Mason shrugged.

"Do you think she really believes that you took out the money and concealed it?"

"It would, of course," Mason admitted, "have been a clever move for a lawyer who was ingenious, resourceful and more loyal to his client than the ethics of his profession would justify."

"You mean just to have taken that money and——?"

"Let's look at it this way," Mason said. "Suppose the estate comes up for probate. There's a safe containing perhaps a

hundred thousand dollars in cash. The doctor's books completely balance, showing everything to be in apple-pie order, even if the income tax people do think he's been holding out. And then a hundred thousand dollars in cash turns up. The question is, where did that money come from?"

Della Street nodded.

"The income tax people are claiming that Dr. Malden was diverting sums of cash which they estimate amounted to around a hundred thousand dollars. Under the circumstances, finding an almost identical sum in a safe in a secret apartment maintained by Dr. Malden would represent a startling confirmation of their claims. They would then move in, seek penalties, forfeitures, fines; insist that Mrs. Malden, having made a joint return, was a party to the fraud, and would raise hell generally. As matters now stand, they find an empty safe, provided they even find the safe."

Della Street nodded.

"That leaves them," Mason went on, "with nothing to go on except the contention of the department that Dr. Malden had diverted and salted away some of his income in cash and had failed to account for it."

"Yes," Della Street said, "I can see where it would make quite a difference."

"So," Mason said, "any lawyer who would have walked in, put the hundred thousand in a brief case, gone out, waited until things blew over and then said to Mrs. Malden: 'I have a little present for you' and handed her fifty thousand tax-free dollars, would be in the position of earning the undying gratitude of a client as well as having fifty thousand tax-free dollars to put in his own safe-deposit box."

"Gosh," Della Street said, "it sounds enticing."

"Doesn't it? The only sour note is that it would mean violating a few laws."

"With almost no chance of getting caught," Della said.

"With almost no chance of getting caught," he agreed.

"And Mrs. Malden thinks you're doing that?"

"She says she does."

"Then when things are settled, if you shouldn't have fifty thousand dollars to give her as a little present, she might feel resentful."

"Exactly. That's why we're going to have to find out exactly what happened, Della."

"What do you *think* happened?"

"I think we walked into a cunningly baited trap."

"You mean Mrs. Malden planned to get you behind the eight ball?"

"I don't know who baited the trap. Suppose it was Gladys Foss. Suppose she cleaned out the safe."

"But suppose you hadn't found that safe?" Della Street suggested.

"They fixed it so I damn well had to find it," Mason pointed out.

"But how could you have been expected to know the combination?"

Mason said: "Let's take another look at the note-book Mrs. Malden left with us. Perhaps that contains the answer."

Della went to the safe and returned with the photostatic copy of the note-book. She came to Mason's side and together they looked over the pages.

Mason slowly scanned the photostatic copies, then turned back to the beginning once more.

"It seems to be just a hodge-podge of notes concerning appointments and—oh-oh, what's this?"

He pointed to a figure on the second page of the note-book. It was 54-4-R. The lawyer hesitated for a moment, then turned the pages. Three pages over he found, among a series of entries dealing with articles in medical journals that apparently Dr. Malden had wished to read, the figure 313-L. He turned two more pages and came to a figure R 2-26. Two

more pages and he found the figure 19-L marked in the upper right-hand corner.

"Well," Mason said, "there it is—the combination of the safe. Fifty-four, four times to the right; thirty-one, three times to the left; twenty-six, twice to the right; nineteen to the left."

"Do you think that's it?" she asked.

"I'd bet a hundred to one that's it," Mason said.

"So now what do we do?"

"Now," Mason said, "having walked into a trap, we'll refrain from getting in a panic. We'll take time for an appraisal of just what sort of a trap we're in, and then we'll try to find out who set it."

"Suppose you tell Mrs. Malden you don't want to represent her?"

"Then she'd promptly claim I had embezzled a hundred thousand dollars."

"But she couldn't prove it."

"Moreover," Mason pointed out, "we have to protect our client although she's at perfect liberty to turn against me. If she did, the income tax people would furnish her with considerable proof that a hundred thousand dollars had been secreted somewhere by her husband. She'd claim that she gave me a key to that apartment and asked me to investigate. She also gave me a photostatic copy of a secret note-book kept by her husband, and in that note-book (of course, all unknown to her) was the combination to the safe in the love nest."

"Unknown to her!" Della Street blazed sarcastically.

"Oh definitely," Mason said. "She would be quite positive on that point. She could never afford to admit she had the combination."

"She'd throw you to the wolves in order to save herself?"

"With the greatest of glee," Mason said. "In the minds of many people, opportunity makes the thief. Here I was with

the combination to a safe containing a hundred thousand dollars which neither Dr. Malden nor Mrs. Malden could publicly claim without finding themselves in a most embarrassing position."

"Chief," Della Street said indignantly, "if she tried to do that to you we should——"

"Perhaps we will," Mason told her, grinning.

Della Street smiled. "Under those circumstances I suggest that you wipe that lipstick off your face before Paul Drake comes in here to report."

### CHAPTER THREE

PAUL DRAKE tapped his code signal and Della Street opened the door.

Paul Drake, a long, lank individual, with eyes that seemed to see nothing yet saw everything, entered the office, slumped down into the big over-stuffed leather chair, then spun around on the small of his back to assume his favourite position, sitting crosswise, his elbows propped against one rounded arm of the chair, his knees draped over the other.

"Well?" Mason asked.

Drake shook his head. "No dice."

"What do you mean?" Mason asked with sharp irritation. "That your men couldn't follow the persons who were shadowing Mrs. Malden?"

"No," Drake said, taking a cigarette from a case in his pocket. "There weren't any shadows."

"You're sure?"

"Pretty damn sure. My men are veterans. They don't get fooled. The man I sent to her house was one of my best."

"He followed Mrs. Malden?"

"Oh, sure. That, of course, was a cinch, but his job was to follow her and find out whether anyone else was following her."

"And he doesn't think anyone else was?"

Drake shook his head.

"Where did he pick her up, Paul?"

"At her house."

"Where did she go?"

"Came directly here, just as fast as she could travel. She

parked her car in the parking lot, came up here, and when she left, she seemed to be in quite a hurry.

"Now, mind you, Perry, it's a difficult job to follow a person and at the same time be sure that that person isn't being followed, but my man had the advantage of knowing where she was going, and once he made certain she was heading in that general direction he lagged way behind and looked the whole situation over. He couldn't detect anyone following her.

"Now you'll remember that you phoned me when she left here. By that time I had another man to put on the job, so I *know* no other people were following her when she left here.

"Operative Number Two trailed Operative Number One, staying a good distance behind. He couldn't find anyone trailing Mrs. Malden. As you had surmised, she went to the Dixiewood Apartments when she left here."

"How long was she at the apartments?" Mason asked.

"Not over eight or ten minutes."

"She went to Apartment 928-B?"

"Gosh, Perry, we can't tell that. She had a key and opened the street door to the lobby, then went in and went upstairs. She either has an apartment there or she has some friend who has an apartment and she has a key to it. It would have been fatal for one of my operatives to have tried to crowd in behind her and go up in the elevator. We do know she was on the ninth floor somewhere because that's where the elevator was when she left it."

"All right," Mason said, "go on. What happened after that?"

"When she came out she headed in the direction of home. I'll know as soon as she gets there. I'm keeping three men on the job now. That's more than is necessary. You understand the reason I put so many men on was that you were satisfied she was being followed and wanted to find out about

the persons who were following her. That's a ticklish job and takes a lot of men."

"Let's keep them on the job for a while," Mason said.

"Well, it gives us one advantage," Drake told him. "There's always someone free to phone in reports. I can get in touch with the office if you want and check to see if there have been any developments within the last minute or two."

"What have you found out about the situation in Salt Lake City, Paul?"

"Have a heart, Perry. We're just getting started on that."

"You've communicated with your Utah correspondent?"

"Oh sure. Men are on the job by this time. They wanted to know how many operatives to put on it, and I told them as many as might be necessary. I said we wanted action."

"Paul, how about these men who trailed her to the Dixie-wood Apartments?"

"What do you mean?"

"Are they good men?"

"The best."

"How about integrity?"

"A hundred per cent."

"Would they make good witnesses?"

"Sure."

"All right," Mason said, "I'm going to keep that as an ace in the hole."

"What do you mean?"

Mason said: "I think Mrs. Malden is going to claim that she never went near the Dixie-wood Apartments after she left my office. I don't think she dares to admit that she did."

"Is she your client?" Drake asked, frowning. "Or is she on the other side?"

Mason grinned. "She's my client, Paul, but I think she's going to claim I found and took some money that belonged to her."

"Well, that's interesting," Drake said. "How much?"

"A hundred thousand dollars."

"Congratulations, Perry. You don't do things in a small way, do you?"

Mason said: "That's one of the bad features of being an attorney. You're virtually at the mercy of your clients. Some woman wants to retain you and tells you a cooked-up story containing some facts and a hell of a lot of fiction, and while you're investigating you may get your feet wet."

"Are *your* feet wet?" Drake asked.

"They are right now," Mason told him, grinning, "but I'm hoping to dry them out. We'll wait here for half an hour, Paul, to see if there are any new developments. You go to your office and keep an ear to the ground. Give me a ring if you find anything. Now here's something else I want you to do."

"Shoot," Drake said, pulling out his note-book.

"Apartment 928-B in the Dixiewood Apartments, Mason said. "Have someone cover that apartment. If anyone goes there at any time during the night I want that person shadowed."

"Okay, you want that person shadowed. And how about the apartment? Do we quit watching that if my man goes out to tail a visitor?"

"No. Keep a watch on the apartment."

"That means two operatives as a minimum," Drake said. "Three or four in reserve."

"Get them," Mason told him.

Drake grinned. "At the rate you're going you'll have to steal a hundred grand in order to break even. However, it'll take a couple of hours before I can get all these operatives lined up and on the job. Okay, Perry, I'll go on down to my office and start men working. You'll be here for a while?"

"Half an hour, anyway. We'll check with you when we leave."

"Okay, I'll start the ball rolling. If you don't hear any-

thing from me it'll mean Mrs. Malden went right on back home. If she didn't, or there are any new developments, I'll call. I'm going to be busy getting stuff lined up so I won't bother you with routine. Stop by my office on your way out."

And Paul Drake heaved himself out of the big chair, sighing his weariness at the prospect of an all-night job and went out.

## CHAPTER FOUR

MASON looked at his watch. "Well, Della, it's been forty-five minutes. I guess there have been no new developments worthy of notice. We may as well shut up shop. We'll stop by Paul's office and see what's happening. Probably——" He broke off as the unlisted phone on Della Street's desk made noise.

"That'll be Paul now," Della said.

"I'll take it," Mason said.

Mason picked up the telephone, said: "Hello, Paul, what's new?"

Drake said: "Perry, there's a peculiar angle here. Your hunch was right about her being followed."

"The devil!" Mason exclaimed. "You mean your man was wrong?"

"No, he wasn't wrong," Drake said. "Apparently she had managed to ditch the shadows temporarily. She sure wasn't being shadowed when she left your office and went to the Dixiewood Apartments, but she's being tailed now."

"Give it to me," Mason said.

"Well, here's the way things stack up at the moment, Perry. She left the Dixiewood Apartments and drove directly to her house. She went inside and was in there for about five or ten minutes. Then she came out and started traveling, and this time my men were positive she was wearing a tail."

"Where did she go?"

"To a place called the Erin Apartments. It's a dinky little place, sort of a rooming-house masquerading as something a little better than it is."

"Go on," Mason said.

"We got a break there, Perry. The man she called on was on the second floor front on the east side, in a corner room."

"How do you know?"

"Just a break. One of my operatives was looking around to see if he could get a clue. The other one was watching the apartment house. He saw that the blind was up and the light was on in this south-east corner apartment."

"Suppose that could have been a signal?" Mason asked.

"Probably it was, Perry, but you just can't tell. Anyway, just about the time that it would have taken her to get upstairs my man saw a fellow make a jump for the window blind and pull it down fast as though he wanted to conceal something."

"But he didn't see the woman?" Mason asked.

"No, just the blind being jerked down."

"That, of course, is just a supposition," Mason said.

Drake said: "Remember I had two men on the job, Perry. One of them goes in, gets the manager and talks about vacancies and one thing and another, and leads the conversation around to people who are in the rooms. He was insistent that he wanted a certain type of room and was willing to pay for it, and finally asked about the south-east apartments on the second, third and fourth floors to see if there was any chance of there being a vacancy.

"The woman who was running the place was a gabby sort and she talked a little bit about the tenants. The third floor south-east corner might be vacant in a couple of weeks. She doesn't think much of the girl who's in there. The one on the fourth floor is a secretary who is regular and apparently all right. And the one on the second floor she said was occupied by a man named Castella. She thought there just might be a chance that his apartment might be vacant because she thought he was going to have to look for another job.

"My man pumped her to see what made her think so, and it turned out that Castella was a chauffeur and general man-of-all-work for Dr. Malden. The landlady had, of course, read about the death of Dr. Malden in the papers, and she was speculating as to whether Castella would be out of work and if so what would he do about his apartment. She was lowering the boom on him as far as credit was concerned, and whether he knows it or not he's on a strictly cash basis beginning as of yesterday."

"Well," Mason said, "that sounds promising. Probably Mrs. Malden went there to see him, Paul. She probably felt it her duty to tell him his employment had terminated, but why the devil wouldn't she have telephoned him and told him over the phone?"

"You can search me," Drake said. "Anyway, that's the set-up."

"Then what happened?"

"She's there now, Perry, or she was the last I heard."

"And you have your two men on the job?"

"That's right."

"And there's someone following her?"

"Yes, a car with two men in it."

"You don't know anything about them?"

"Not yet. My man has the licence number of an automobile. I'm having it looked up. I—— just a minute, Perry. Here's a call coming in on the other phone. Hold on a minute."

Mason held the line for a moment, then Drake's voice came on once more. "Hell, Perry, that's a county job."

"What is?"

"The car that's following her."

"You're sure?"

"That's right. It's one of the licence numbers that are held by county undercover men."

"Working under the sheriff or the district attorney?"

"I think under the sheriff. Those numbers are very confidential. They don't give out any information on them."

"Anything else?"

"It all checks," Drake said. "There are two men in that automobile. That's the way the county works, you know. Two men together wherever possible."

"Okay," Mason told him. "Find out what you can about Castella and—Paul, do you suppose I could go out there and size up the situation without being spotted?"

"I doubt it, Perry. It's a ticklish situation. I've got two men on the job and those fellows driving the county undercover cars weren't born yesterday. The probabilities are they'll know that Mrs. Malden's being followed——"

"Don't let them find that out," Mason interrupted. "Tell your men to scatter if they have to, but don't let the county know they're on the job."

"I'll tell them, Perry, but it's not always possible to work things that smoothly."

"Well, they can do their best."

"Okay. I told one of my men to call me back in five minutes if she was still there, and when he calls I'll tell him to lay off if necessary to avoid detection. The point is, Perry, that if you went up there and tried to join the procession, it would be *very* noticeable. We'd have a string of cars tagging along behind her like the tail on a kite."

"All right," Mason said. "I'm going to drive Della to her apartment, then I'm going on to my place. I want you to keep me posted. Sit on the phone there until midnight. Call me if there's any significant development."

"Okay, Perry. She probably won't stay very long at this apartment where she is now."

"All right. Find out all you can about Castella. What he does, how long he's been with Dr. Malden, what kind of a fellow he is. Put a tail on him. Now you don't think that

county car was following her when she came to my office and then went to the Dixiewood Apartments?"

"My man insists it wasn't," Drake said. "Of course, he *could* be wrong."

"Okay," Mason told him. "We'll know more a little later on. Keep on the job, Paul."

The lawyer hung up the telephone, said: "Come on, Della. You're going home."

"I hate to leave just when things are beginning to get exciting," she said. "What's happened?"

Mason told her of the developments while he was switching out lights in the office and putting papers in the drawers of his desk.

"I can't understand the county car," Della Street said. "If it had been F.B.I. men or Treasury men that——"

"Exactly," Mason told her. "There's a lot more to this than meets the eye. Come on, I'm going to take you home and then go back and sit by the telephone."

"Can't I wait with you?"

Mason grinned and shook his head. "You get your sleep. You're going to have to be running the office tomorrow."

She said: "I just have a feeling that you're going to have an adventurous night."

"I hope so," Mason told her. "The way it stacks up now I'm in this thing up to my neck, and I want to know how much deeper it gets."

Mason drove to her apartment house, parked in front of the entrance until he saw her safely inside, then drove rapidly to his apartment.

The phone was ringing as Mason fitted his key to the door.

The lawyer jerked the door open, went inside, grabbed the phone and heard Paul Drake's voice saying: "Your party is at the Dixiewood Apartments, Perry."

"What party?"

"Gladys Foss, from the description."

"How long's she been there?"

"About five minutes ago. She seems to have a key and knows her way around."

"Does your man *know* it's Gladys Foss, or is he just going from the description?"

"Registration on the automobile. Somebody's wound up a hell of a lot of mileage on that automobile today."

"How do you know?"

"Bugs on the windscreen. A bunch of mosquitoes that you wouldn't pick up around here. They got on there some time around dark, probably in a river valley. The windscreen is pretty well plastered with them."

"The registration certificate shows it's her car?"

"That's right. Name of Gladys Foss, 6931 Cuneo Drive."

"What have you heard from Salt Lake City?"

"Our men are still working up there, but I presume I may as well call them off. Dr. Malden sent in a request for registrations for himself at the Capital Hotel, and for a Mr. and Mrs. Charles Amboy at some quiet, high-class motel. They gave him a registration and Mrs. Amboy showed up and registered for both her husband and herself and paid rent on the motel for three nights. The description fits Gladys Foss."

"All right," Mason said, "call off your Salt Lake City men, Paul. That's just a dead expense now."

"That's the way I figured it. Apparently Gladys Foss is Mrs. Amboy. She found out that Dr. Malden was dead and started back."

Mason said: "All right. I'm going up to the Dixiewood Apartments, Paul. I want to talk with her."

"Of course we don't have any assurance of how long she'll be there."

"Will you be in touch with your operative?" Mason asked.

"I think so, yes. He should call back. I told him to keep calling at five minute intervals in case we wanted to relay

instructions. Of course, if he doesn't call I'll know she's left the apartment and has gone somewhere."

"Tell your man to be watching for me," Mason said. "I'll be out there."

"If she leaves do you want him to follow her?"

"How many men do you have on the job?"

"Just one so far. The others haven't arrived yet. I'm expecting them any minute."

"Where's your man stationed?"

"Inside the lobby. Whenever anyone comes in and takes the elevator he knows where the elevator goes. If it's to the ninth floor he goes up and scouts. This girl who answered the description of Gladys Foss came in and took the elevator to the ninth floor. My man went up and scouted the place. There's a light on in Apartment 928-B, so it's a cinch that's where she is."

"Tell your man to stay on the job," Mason said. "I'll see him there. I'd like to catch her while she's in the apartment if I can, but if she leaves I think it's more important to have a complete check on that apartment. Of course, if your other operatives shows up before she pulls out, put a tail on her. I think I'll catch her before she can get away."

Mason hurried back to his car, made a quick drive to the Dixiewood Apartments and opened the outer door with the key Mrs. Malden had given him.

A man got up from the shadows and walked towards the elevator.

Mason tried to pass him.

"Mr. Mason?" the man said.

"Yes."

"I'll go up with you," the man told him. "We can talk in the elevator."

Mason jabbed the button for the ninth floor. "Go on," he said.

"I'm sorry," the detective told him, "but we're playing for

keeps in this game. I've been instructed to be very careful."

"Oh, all right," Mason said, and took out his wallet, showing the man his driver's licence.

The man carefully checked the licence and the description, then said: "Okay. I just had to be sure, that's all."

"That's all right."

"She left."

"How long ago?"

"Just a couple of minutes before you got here."

"Take anything with her?"

"Two suitcases."

"Heavy?"

"Looked as though they were loaded to the gills."

"What did she do with them?"

"Put them in the trunk of her car and drove away."

"I'll take a look around," Mason said.

"Want me with you?"

"No. Go back to the lobby. The number of the telephone in that apartment is Crestline 6-9342. Switch out the lights in the elevator and put a sign *Temporarily out of order* on the door. Be standing in front of the elevator looking the sign over. Get in conversation with anyone who comes in. Tell whoever it is that the man was working on the elevator when you came in and said that it would only be a few minutes, that he's gone out to get a fuse or something. Make it sound plausible. Find out what floor the person wants to go to. If it's anywhere on the ninth floor go down to the phone and ring that number—Crestline 6-9342."

The man made a note of the number.

"You got a key to the apartment?" he asked.

Mason said: "I think I can get it open."

"Excuse me."

"What for?"

"Asking questions," the detective said. "I'm here to follow instructions, not lead with my mouth."

"That's all right."

Mason stepped out of the elevator, and the detective took it back down to the lower floor. Mason, using his key, opened the door of Apartment 928-B, and holding his handkerchief over his thumb so that he would leave no prints, switched on the lights.

The apartment looked very much as he had left it, except when he opened the drawers in the dressers he found they had been cleaned out. There was not a trace of a feminine garment anywhere in the apartment. No facial creams, no dresses, no under-things, no personal belongings. One of the tooth-brushes had even been taken from the rack.

The door of the wall safe had now been closed, the piece of plaster-board had been fitted into position, and the picture hung back in place.

Mason took a more careful look around the place this time than he had done on his earlier visit.

A table by the floor lamp in the living-room contained popular magazines, several twenty-five-cent mystery reprints, some medical journals.

Mason looked at the medical journals. They had been received through the post and the place where the stencilled address had been on the back had been torn off of each magazine.

Mason took the medical journals.

He looked at the magazines, but none of those contained a stencilled address. Apparently they had been purchased on the news-stand.

The lawyer gave the apartment a going-over. Aside from the medical journals he found nothing even remotely connecting the apartment with Dr. Malden.

Mason let himself out of the apartment, again taking care to leave no fingerprints on either side of the door-knob. He pressed the button for the elevator and the dark cage came up to the ninth floor. He switched on the light, took the

elevator back down to the bottom where Drake's operative was waiting.

"Have any trouble?" Mason asked.

"Not too much. A man and wife were going up to the sixth floor. I told them that I thought I could make the elevator work and ran them up there. On the way down I picked up someone who was going home from the fifth floor who kicked about the elevator being dark. So I explained about the temporarily out of order business——"

"No one came in except those two for the sixth floor?"

"That's all."

"Keep on the job," Mason told him. "Report to Paul Drake at intervals. Reinforcements are on the way."

Mason left the apartment house, drove rapidly to the Cuneo Drive address. It was ten-thirty when he parked his car in front of the modest little bungalow, climbed the steps to the porch and rang the bell.

There was no answer, no sound of motion within the house, but lights behind the drawn curtains gave a faint glow of partial illumination and showed that someone was home.

Mason rang the bell once more, waited patiently.

After some ten seconds, he rang the bell a third time, pressing his finger persistently against the bell button.

This time he heard cautious steps on the other side of the door. After a moment a woman's voice said: "Who is it, please?"

"Miss Foss?" Mason asked.

"Yes."

"A telegram," Mason said.

"Put it under the door."

"It's urgent and you'll have to sign for it."

"Well, slide the thing I'm to sign under the door."

"I'm sorry, the crack isn't big enough."

"Well, I'm just out of a bath. I was bathing when you rang."

Mason kept silent.

After a moment he heard the sound of the bolt moving back in its socket and the door opened a crack. A bare hand and arm came around the door.

"Let me have the telegram, please."

Mason said: "Now that we have the door open so that I don't have to shout my news to the street, I'm Perry Mason. I'm an attorney and I'm interested in the death of Dr. Summerfield Malden and the situation in regard to the income tax."

The door slammed abruptly shut.

On the outside, Mason said: "I can raise my voice and tell the whole street about it if you want."

Again there was a period of silence, but Mason did not hear any steps moving away from the door, so he waited.

Slowly the door opened a crack. "Whom are you representing?" she asked.

Mason said: "I'm representing the widow, who, as it happens, knows a great deal you don't think she knows. If I'd wanted to play rough I could have pushed my way in when you opened the door the first time."

"Well, why didn't you?"

Mason laughed and said: "Perhaps because of the bare arm and the statement that you'd just got out of your bath."

"Do you think I'd come to the door with *nothing* on?"

"I haven't had the opportunity of getting well enough acquainted to size up just what you *would* do," Mason said through the crack in the door.

"Well, we're getting acquainted now."

"Just about the same as over the telephone," Mason told her.

The door swung inwards another six inches. "Dr. Malden's wife hates the ground I walk on. If you're representing her you'll have the same attitude."

"Not necessarily," Mason said. "You see, regardless of how

much personal feeling there may be, you and Mrs. Malden have a great deal in common. The income tax people are going to be asking questions. If they can prove any cash shortages, they're going to assess penalties and forfeitures, and even perhaps criminal proceedings. I thought perhaps we should talk things over. I felt that you'd like to discuss the things you have in common with Mrs. Malden."

Gladys Foss was silent.

"And if that discussion is necessary," Mason said, "it might be more pleasant for both of you if I was the intermediary. Otherwise, if you women sat down and talked face to face, you might——"

"That does it," Gladys Foss said, opening the door. "Come on in. Turn to the right, sit down in the living-room and make yourself comfortable until I get something else on."

Mason stepped into the hallway and had a glimpse of a girl wearing a filmy negligee running down the corridor away from him.

As she opened the door at the end of the corridor, entering what evidently was a bedroom, bright light silhouetted the young woman's figure. Even in that brief glimpse Mason was able to verify the statements Mrs. Malden had made concerning the pulchritude of her rival.

Mason entered the living-room, sat down in a comfortable over-stuffed chair by the table. A floor lamp behind the chair gave just the right reading light. On the table were half a dozen of the latest magazines.

Mason settled back, glanced through some of the magazines, then put them back on the table.

The seat of the chair was warm.

Mason moved slightly, let his hand slide over the rounded arm and drop towards the floor. His finger encountered a folded newspaper. He picked it up. It was a late edition of the evening newspaper and was opened at the sporting news.

Mason was giving the paper frowning concentration when

Gladys Foss, attired in skirt, blouse and slippers, entered the room.

Her hair, thrown back from a high forehead, was sleek and glossy. Her eyes were large and dark. The lips were full and needed but little lipstick to give her face a vivid colouring.

She stood in the doorway looking at Mason and at the newspaper he was holding. There was an expression on her face which, for the moment, the lawyer noticed but failed to understand.

Mason tossed the newspaper on the table and started to get up.

"Don't get up," she said, walking swiftly into the room and giving him the benefit of a quick smile.

She was, Mason noted, a long-legged, symmetrically formed young woman of remarkable beauty and grace, and the easy way with which she sat down on the davenport indicated perfect muscular co-ordination. Her manner was breezily informal.

"I see you've uncovered my secret vice," she said, smiling.

Mason raised his eyebrows.

She indicated the newspaper.

"Baseball?"

"Horses."

"Oh."

She said: "I get tired of a routine existence. I guess everyone does. I like to try to pick winners. I'm sorry I was quite so obvious about it."

"It sounds like a good form of relaxation."

"I don't suppose you ever indulge," she said.

Mason regarded her thoughtfully. "I couldn't afford it."

She started to say something then changed her mind and was silent.

"In addition to that," Mason said, "I don't have to do it in order to bring variety into my life."

"Well," she told him, "I wouldn't ordinarily have admitted it, but I'm talking to a lawyer now. When you came in, sat down in a chair that evidently I had been recently occupying and found that I'd turned to the racing news as soon as I'd entered the house, I assumed that you're perfectly capable of making the proper deductions."

Mason smiled. "That's being frank."

"As a matter of fact," she went on, "I've had a long drive. I've had a long day, and I'm dead tired, but I had to find out what had happened at the races. Now, what's bothering you, Mr. Mason?"

Mason said: "You are, of course, aware of Dr. Malden's death?"

"Certainly. That's why I came home. I was to have—to have had a few days off."

"He was on his way to attend a medical meeting at Salt Lake City?"

"That's right."

"Where did you drive from?" Mason asked.

She smiled and said: "After all, Mr. Mason, it's late and I'm terribly, terribly tired. Now you wanted to talk about the books and about income tax matters, I suppose."

Mason nodded.

"Well, suppose we discuss those matters and postpone discussion of other things until a more appropriate time."

Mason said: "All right, we'll discuss the specific things where your interests and those of Mrs. Malden have a meeting point."

"You mean where her greed meets my responsibilities," Gladys Foss said bitterly.

Mason grinned. "Far be it from me to reconcile the viewpoints of two women who don't like each other. I'm simply trying to get certain facts established. You've been questioned by the Income Tax Department."

"That's right."

"They claimed that Dr. Malden's books were not accurate, particularly in regard to reflecting a fair statement of his cash position?"

"They were snooping, if that's what you mean."

"And making accusations?"

"In a way. They felt that Dr. Malden should have reported more cash income."

"What are the facts in regard to that?"

She looked him in the eyes. "Do you want to know what I'm going to tell the Income Tax Department, Mr. Mason, or do you want to know the *true* facts?"

"Are you going to tell the income tax people something different from the true facts?"

"I am going to tell them only what I *know*. In dealing with you I *might* tell you something that I merely *surmise*."

Mason said: "Let's have the surmise."

She said: "Few people today realise the terrific strain under which a medical man works. He has people pouring in on him, a steady, unending stream of people, all of whom are sick. Some of them are articulate and can explain their symptoms so a doctor can make a prompt diagnosis. Some are inarticulate and it's necessary to dig and probe in their minds as well as their bodies in order to find out what's wrong. Others are hypochondriacs who have dramatised the development of disease to a point where their symptoms are completely out of true perspective. There's a magnification, a mental distortion, and there again a doctor must know what he's doing.

"In addition to that there are people who need surgical care. Operations are performed ranging all the way from routine operations to the last desperate attempt to prolong life. Complications sometimes develop in those operations or in post-operative care, and a doctor must be constantly on guard to see that they don't develop into serious consequences. In other words, he can't programme things. He's

like a fighter standing in the middle of the ring, beset by a hundred adversaries. He must keep cool, calm and collected. He must think. He must anticipate, and, above all, he is never free from terrific mental and physical strain.

"In addition to all that he must always remember that any one of his patients may run to some eager lawyer and start a suit for malpractice, where every single thing the doctor has done or has failed to do will be placed in front of a jury of laymen."

Mason nodded. "You are very eloquent."

"I'm telling you these things," she said, "because too many people fail to realise them. A doctor who is doing that kind of work must concentrate on the vital problem and can't concentrate on such things as book-keeping and statistical information which is desired by people who are trying to audit his tax returns."

"But," Mason said, "such a man doesn't need to bother with financial matters. He can hire someone to handle his entire financial affairs."

"Who?" she asked.

"An accountant."

She shook her head. "It isn't feasible. The person who does that has to be on the firing-line. It has to be someone in the office, and that someone almost has to be a nurse.

"Now then, you can start out with the best intentions on earth, but when you get into a busy medical office you're in something of a madhouse. There are X-ray treatments, diathermy treatments, and emergency treatments."

"How many nurses did Dr. Malden employ?"

"Four beside me."

"He used a great deal of office therapy?"

"Yes. He was a great believer in it, particularly diathermy. He used diathermy not only for its actual curative properties, but for its psychological properties."

"Can you explain what you mean by that?"

"In a way, yes. One of the grim realities which a doctor has to face is that he can't make time stand still or turn back the hands of the clock any more than he can stand on the shores of the ocean and tell the tide not to come in.

"Human life is a cycle. We go from youth to age and from age to death. It's inexorable. It's inevitable.

"Some people worry about the degenerative changes of age. Some people expect a doctor to arrest them. Some people expect a doctor to accomplish the impossible. Other people give too great respect to the inevitable and fail to ask medical science to relieve conditions which, if taken in time, would be readily curable.

"You take a person who expects a doctor to accomplish the impossible. If a doctor says: 'Madam, I'm sorry, but you're sixty-eight years old. From now on until you die you're going to have increasing evidences of a physical break-up. You're going to have degenerative changes which you can't control and I can't control. All I can do is to make you as comfortable as possible and to check the more pronounced symptoms which can be stopped, to deal with acute conditions as they arise.' If a doctor said that it would be cruel. It would be heartless. It would aggravate the conditions he is trying to arrest."

"I fail to see what this has to do with book-keeping," Mason said. "It is an excellent dissertation. It arouses my sympathy, but it also evades the issue. You're talking to a lawyer. Let's get down to brass tacks."

"All right," she said, disgustedly yielding the point. "I suppose I should have realised you wouldn't go overboard with sympathy. The income tax people rubbed their eyes and went away in a daze. I'm too tired tonight to fight with you. I'll get down to brass tacks. There's a cash shortage in the office."

"That's better," Mason said. "What caused it?"

"Dr. Malden's complete lack of business sense."

"Can you explain that?"

"I can explain it very simply," she said. "When Dr. Malden wanted cash for anything he went to the cash drawer, took out cash and put it in his pocket."

"And left a chit telling you how much he'd taken out?"

She shook her head. "That's the trouble."

"That," Mason said, "could make for complications."

"It has made for them. I thought that as long as we kept a record of what had been paid in we'd be all right, but it seems that Dr. Malden wouldn't always turn cash payments over to me. He'd accept cash payments from patients, pat them on the back, thank them, and tell me to send in the next patient."

"Sometimes Dr. Malden would remember to tell me about this payment. Sometimes he'd forget, or be called out on an emergency matter. He'd be operating the next morning, get into the office late the next afternoon, and he'd be busy and I'd be busy, so we never would get that particular payment straightened out."

"This would, of course, be simply an occasional oversight?"

She hesitated.

"Would it?" Mason persisted.

"Nothing with Dr. Malden was an oversight. The man was a thinking machine with a ball-bearing brain. He tried to make it appear to be an oversight, actually it was a part of an over-all plan. It had to be. It happened too frequently."

"How much of this have you told the income tax people?"

"Not a bit of it. You're the only person to whom I'd ever make such a statement."

"Well, of course, certain things have got to be explained."

She shook her head.

"No, they haven't. Dr. Malden's dead. Let the Internal Revenue Department unscramble it."

"They're going to question you."

"I'll tell them that as far as I know the books are correct; that whenever Dr. Malden gave me any information I put it on the books; that if Dr. Malden didn't give me information they should have questioned him, not me."

Mason said: "I dislike having to do this, Miss Foss, but let's get back to a more personal matter, which is, what about the Dixiewood Apartment?"

Her face didn't change expression. "What about it?" she asked.

"I thought you could tell me about it."

"Dixiewood?" she asked, as though the name meant nothing to her.

Mason said somewhat irritably: "An apartment under the name of Charles Amboy, 928-B, Dixiewood Apartments."

She shook her head. "That means nothing to me."

"It should," Mason told her. "You were there about twenty minutes ago."

"I was?"

"You parked your car, went in, packed up two suitcases, cleaning out all of your clothes that had been left in the apartment. You carried the two heavy suitcases down to your car, put them in the trunk compartment and drove away."

She moved uneasily, shifting her position. Her eyes regarded Mason unflinchingly. Her face was without expression.

After a few moments she said: "How do you know this?"

"I know it," Mason said, "because I'm a lawyer. It's my business to know certain things which may affect my clients. That Dixiewood Apartment may have quite an effect on many aspects of the case."

"I fail to see why."

Mason remained silent.

She said after a few moments: "I assume it's fair to conclude that I have been followed."

"Conclude anything you want to," Mason said, "but tell me the truth."

"Why?"

"Because it's going to have a vital effect on the estate."

"And who gets the estate?"

"I presume Mrs. Malden. I haven't as yet seen the will."

She said suddenly: "All right. Mrs. Malden can fight her own battles. I don't know any reason why I should sit up at night when I'm tired and start baring my soul to you simply so Steffanic Malden can get a bigger chunk of cash from the estate of a man she never did love!"

Mason paid no attention to the bitter denunciation, but simply sat there in the chair, waiting.

Again Gladys Foss shifted her position.

She said at length: "I presume I won't have a shred of reputation left after we get done with this thing."

Mason said: "I'm a lawyer, Miss Foss. I see a lot of human nature. I try to see it as it is."

"I'm glad you do. I hope you're broad-minded."

"I think I am."

She said: "Dr. Malden worked under continual strain. The more successful he became the more exacting were the demands made on his time. He was killing himself.

"When he went home he found no understanding, no love, no affection. He found a cold-blooded, calculating woman, who had married him deliberately, with her eyes open, because she wanted certain things in life and had decided in her own selfish interest that being the wife of Dr. Summerfield Malden would give her what she wanted."

Mason said: "Your idea of Mrs. Malden is simply a reflection of what Dr. Malden thought."

"Well, shouldn't he know?"

"Unfortunately," Mason said, "when domestic relations begin to deteriorate there are basic conflicts which develop. The woman feels that the man is inconsiderate, crude, that

his tact and finesse have entirely vanished, that he takes her for granted, that the days of the courtship have been ruthlessly thrust to one side. The man feels that the woman is selfish, cold-blooded and interested primarily in financial affairs. It's an unfortunate situation."

Gladys Foss was up off the davenport now, standing erect, her eyes angry. "Dr. Malden might just as well have gone to bed with an adding machine as with Steffanie Malden," she said.

Mason studied her angry eyes. "I'm not interested so much in the sentimental part of the picture as I am in the financial part."

"What financial part?"

"There was a concealed safe there in that apartment, and——"

"You're crazy," she interrupted.

"A wall safe behind a picture," Mason said. "Dr. Malden doubtless had certain cash concealed in that safe and——"

"Mr. Mason, how *can* you sit there and say anything like that? There was no safe in that apartment. It was used by Dr. Malden purely and simply as a place where he could get away from the domination of that icy creature who had thrown her hooks into him and was marking time waiting for him to die."

"You mean that you knew nothing about any money that was kept concealed in that apartment?"

"There was no money. There was no safe. There was no place to conceal money. That apartment was a sanctuary for an overworked man who craved a place to relax. I had a key to it, and Dr. Malden had a key to it. Why in the world would he have wanted to keep any cash there? He had a safe in the office. We had a cash drawer in the safe. I'd put cash in there until the amount got to be above a thousand dollars, then I'd go to the bank and make a deposit. That's another thing the income tax people were crabbing about.

They thought cash should have been deposited each day. Good Lord, what do they think? That a man who was treating a hundred patients——"

"We're talking about a safe in an apartment," Mason interrupted.

"There wasn't any."

"What did Dr. Malden do with the cash he siphoned off from the business?"

"He didn't—I don't know."

"You do know that Dr. Malden took cash out of the cash drawer?"

"I know nothing."

Mason said: "The income tax people may make an estimate of what they think must have been removed from the cash drawer and levy an assessment."

"Let them make an assessment," she said. "Let them try to prove it. No one knows Dr. Malden took anything out of the cash drawer. I don't."

"That isn't in line with what you just told me."

"I told you things that I'm not going to tell the income tax people. Anyway, that was just a surmise on my part."

She dropped back down on the davenport, crossed her legs, and this time Mason was mindful of Mrs. Malden's statement that Gladys Foss had good-looking legs and liked to show them. Despite her rush in dressing, she had taken time to put on a pair of sheer nylon stockings, and she now displayed them to great advantage.

"Suppose that I dipped into the cash drawer, too," she said.

"You did!" Mason exclaimed.

"That's right. I like to play the horses. You uncovered my weakness when you sat down in the chair and found the newspaper there."

"You mean you embezzled money from——?"

"Don't call it that."

"Well, what was it?"

She said: "Dr. Malden was married to Steffanie. Steffanie is a grasping, scheming individual, who wanted Dr. Malden to die. In fact, if there's any possible angle in connection with that aeroplane accident that would indicate she had a hand in it, I would say that she murdered him."

Mason said: "You're emotional. You're upset. You're unstrung. You were attached to Dr. Malden and——"

"And it hasn't affected my ability to think clearly," she interrupted. "I'm going to do a little investigating of my own. I'm not at all certain that Steffanie didn't bring about his death."

"How?" Mason asked.

"All right," she said, "tell me one thing. If you think Steffanie is such a sweet little character, what was the connection between her and Ramon Castella, Dr. Malden's chauffeur and aeroplane mechanic?"

"Was there a connection?" Mason asked.

"Don't be silly."

"An emotional connection?"

"How do I know what she had to pay Castella to do what she wanted. It may have been something else. I told Dr. Malden to get rid of that man a long time ago, but he wouldn't listen to me. Castella handed him a good line and there's no question but what the man is a clever mechanic. Of course, Ramon doesn't like me, and he knows I don't like him."

"What makes you think Mrs. Malden had any dealings with him?"

"I'm virtually certain she went to his room once. Think of it, the wife of a prominent physician going to the room of that cheap, under-handed, shift-eyed rotter!"

"How do you know she went there?"

"It was a slip she made at one time about—I *know* she'd been there."

"How old is Castella?"

"Ramon? He's about thirty-two."

"Attractive?"

Her laugh was scornful. "He *thinks* he is. He even might be attractive to some woman who was just a cheap little rattle-brain. He has the dark hair, black eyes and romantic manner that goes with his type, but he's cheap. He's tawdry. He doesn't have a thing above the eyebrows except a lot of black hair, and it's full of grease. He can't look you in the eyes."

"And he acted as chauffeur?"

"Some of the time. Dr. Malden drove his own car a lot, but sometimes he'd have Ramon drive. The main thing that Ramon did was to keep up the aeroplane and the motor-boat."

"The motor-boat?"

"That's right. Occasionally on those rare intervals when Dr. Malden felt that he dare to get away where there was no telephone, he'd spend an afternoon on a small cabin cruiser that he kept."

"Did you ever go out on the cruiser with him?"

"Never. I don't think anyone ever went with him except Ramon. Dr. Malden would go out and anchor somewhere and fish. At those times I always had to be around to stall patients off until he got back. He'd never be gone over half a day at a time. That was just about the only time he ever got away from the demands made on him by his practice."

Mason said: "This is a very interesting situation. Now I'm coming back to the thing that interests me most of all. What about *you* taking money from the cash drawer?"

"Suppose it wasn't an embezzlement," she said. "Suppose I was Dr. Malden's real companion. He was married to a woman he didn't love. His association with me was—well, it was really a sort of partnership."

"How long had it been going on?"

"Three years."

"Why didn't he do something about a divorce?"

"What could he do? Steffanie had her hooks into him. All she was interested in was money. If he'd wanted a divorce she'd have stripped him bare of everything he had."

"It might have been better at that," Mason said. "Then he could have begun over and——"

"Not at his age, and I'll tell you another thing about him, something that Steffanie didn't know. If she had known Dr. Malden probably would have been alive today."

Mason raised his eyebrows.

"Dr. Malden couldn't have lived very long. He had a heart condition. I think nearly all doctors who work at the pace that he worked have that condition by the time they get to be his age. It's almost an occupational disease."

"Dr. Malden doesn't sound like a man who led a particularly happy life," Mason said.

"How many doctors do lead happy lives?" she asked. "They make a sacrifice of happiness in order to do good. They attain a degree of financial independence, but they ruin their health and they get in a veritable treadmill of work, work, work. Real happiness is out of the question for the really brilliant physician and surgeon."

"Which," Mason said, smiling, "brings us back to your dipping into the cash drawer."

"Dr. Malden told me that he wanted me to be happy; that while his books had to show I was being paid a salary that was similar to the salary paid office nurses in equivalent positions, that any time I wanted any money all I had to do was to take it."

"But you couldn't take it without leaving some sort of a record."

"I could take it the same way he did—from the cash drawer."

"So you took money from the cash drawer."

"Let's put it this way. *Suppose* I took money from the cash drawer."

"How much?"

"I haven't the slightest idea, Mr. Mason."

Mason said: "I'm going to be frank and tell you that that puts the thing in a peculiar situation from the legal standpoint."

"How?"

Mason said: "If Dr. Malden gave you sums of cash which were not accounted for, Dr. Malden was obligated to pay income tax on that cash."

"But suppose I simply took it without his knowledge?"

"Then you're guilty of a crime."

"So then what?"

"Then they apprehend you and prosecute you."

"Who's going to prosecute me?"

"The district attorney, the State, the police."

"On whose complaint?"

"Well," Mason said, "in view of what you have told me about Steffanie Malden, I imagine that she would not be at all reluctant about signing the complaint."

"All right," she said. "You're a lawyer. They've got to convict me. How are they going to prove anything?"

Mason rubbed the angle of his chin with the tips of his fingers, studied her thoughtfully.

"That," he said, "is a problem that would confront the district attorney."

"Exactly," she said.

"Of course," Mason told her, "your admission to me is——"

"I have made no admission to you," she said.

"You told me you took money from the cash drawer."

"I said *suppose* I took money from the cash drawer."

"Yes," Mason said, "I noticed that you made that qualification."

"I said *suppose* that I embezzled money from the cash drawer to play on the ponies."

Mason nodded.

She said: "That would save the estate and would save the reputation of Dr. Malden, wouldn't it?"

"At the expense of jeopardising your own reputation," Mason said, studying her, "of making you a fugitive from justice."

"Why would I be a fugitive from justice? Who's going to pursue me? Who's going to prosecute me?"

"Well, I told you," Mason said, "that's a matter for the district attorney."

"You're Steffanie Malden's lawyer, aren't you?"

"Yes."

"And you, therefore, have to think she's got wings sprouting out from her back."

"Not necessarily. I'm protecting her interests, that's all."

"All right," she said. "You go ahead and probate the estate. When the income tax people start putting on the pressure, simply have Steffanie tell them I was an inveterate race-horse fan, that I bet thousands of dollars every year on the horses."

"Then they'd ask her to prove it."

"I'll tell you how you can prove it," she said. "Ray Spangler runs a cigar store at Seventh and Clifton. He's a bookie. He took bets from me, lots of bets, thousands of dollars' worth of bets."

Mason grinned. "Yes, I have a mental picture of the income tax people going down to the cigar store and saying: 'Spangler, are you a bookie?' and he would say: 'Oh yes, that's the way I make my living. I took thousands of dollars in bets from Gladys Foss, who was a nurse in Dr. Summerfield Malden's office. I'm very sorry if I violated the law, but since you asked me I cannot tell a lie.'"

"It won't be like that," she said. "Ray Spangler was

arrested two months ago. He paid a thousand-dollar fine as a bookie. Ask him about bets that were taken prior to the time of his conviction."

"And where will you be?" Mason asked.

She said with some bitterness: "I wouldn't lift my finger for Steffanie Malden. I would like to tear her eyes out with my hands, but if it's going to protect the memory of Dr. Summerfield Malden, if it's going to keep the income tax people from finding that Dr. Malden was trying to cheat on his income tax, I'll make—any sacrifice—*any* sacrifice."

Mason studied her shrewdly. "If you can keep up that act, that you're confessing to embezzlements you really didn't commit in order to protect the memory of Dr. Malden whom you loved, you could probably beat any embezzlement charge in front of a jury."

"Particularly if they couldn't *prove* I took any specific amount from the cash drawer," she said.

"The bookie's testimony," he reminded her, "would show you'd bet much more money than your salary?"

"Oh, several thousand dollars more."

"Well?"

"It would also show I'd won several thousands of dollars over the past few months."

Mason thought that over.

"And that," she told him, "would confuse the income tax people so they couldn't *prove* Dr. Malden was concealing cash, wouldn't it?"

"It might," Mason said cautiously, his eyes appraising her.

"Then that's all fixed," she said, getting up from the davenport and walking out to the hall. "I've had a hard day and I need some sleep now, Mr. Mason." She opened the front door and said: "Nice of you to have called, Mr. Mason. Good night."

Mason said: "There are a few other things I'd like to find out——"

"Some other time," she said. "I've talked all I intend to. Go back to Steffanie, Mr. Mason, and tell her that her troubles are over. Tell her that because I loved the man she was exploiting I'm going to make a sacrifice for his memory. Tell her that I'm an embezzler."

Mason stood in the hallway. "I'd like to know a little more about Ramon Castella," he said.

"Go call on him, talk with him. You're a shrewd examiner. Perhaps he'll talk to you. Ask him about Steffanie. And remember one thing, Mr. Mason, that if Ramon Castella ever talks you'll find you've got a good job, a really good job with a really big fee."

"What job?" Mason asked.

She motioned him towards the door, as though she intended to ignore the question.

Mason stepped out on to the porch.

"Defending Steffanie Malden for murder," she said, and slammed the door.

## CHAPTER FIVE

MASON jumped in his car, whipped the starting motor into action and cruised the dark streets, searching for a place from which he could telephone.

It was nearly half a mile before he came to a service station that had a pay phone.

He called Drake's office.

"Paul, I want you to rush an operative out to the house of Gladys Foss."

"How bad do you want him?"

"I want him bad. I want two if possible. A smart baby can lose one shadow, and this babe is plenty smart."

"Two makes it a lot better on any kind of a tailing job, but this is a bad hour to dig up operatives and get them on the job. I've already drained my reserves, and——"

Mason said: "You have an extra man covering Mrs. Malden's house. Jerk one of 'hose off the job."

"Okay. What's that address again?"

"6931 Cuneo Drive."

"Okay, I'll have a man out there within thirty minutes."

"Make it twenty, if you can, Paul. I'm going back out there and cover until your man can get there. Tell him to look for me."

Drake said: "Okay, I'll get going. Wait a minute, Perry, here's a call coming in now that may be some news."

Mason could hear Drake pick up the other phone, heard fragments of conversation, then Drake, his voice excited, said: "Okay, Perry, the fat's in the fire."

"What do you mean?"

"Mrs. Malden has been arrested."

"The hell she has!"

"That's right."

"On what charge?"

"I don't know, but the arrest was made by Narcotics men. Does that mean anything to you?"

"Gosh, no," Mason said.

"Well, they picked her up and are taking her to headquarters."

"One of your men is tailing her?"

"That's right. The man from the Dixiewood Apartments is calling. Do you want him to stay on there? I have a second man on the job now."

"Two of them at the Dixiewood?"

"That's right."

"Jerk one of them off. Get him to rush out to that Cuneo Drive address."

"Okay. Hold the phone, Perry."

Mason could hear Paul Drake giving instructions over the other phone, then Drake came back on the line to say: "It's all fixed, Perry. My man says he'll be there within fifteen minutes. Will you be waiting for him there?"

"Not now," Mason said. "I've got to find out what's happened to my client. As I understand it, Paul, this chauffeur Mrs. Malden went to see was in the Erin Apartments?"

"That's right."

"Okay," Mason told him, "I'm going places. You'd better wait up there for a while, Paul. I'll be wanting to get in touch with you."

Mason hung up the phone, waited until the attendant had finished filling his petrol-tank to the brim, then took off for the Erin Apartments.

He found a little knot of curious spectators gathered in the attitude of men who have just about exhausted the conversational possibilities of a situation and are about to disperse.

"What's the excitement?" he asked one of the bystanders.

"Gosh, I don't know what it's all about," the man said, glad to have a new listener, "but they tell me that the police grabbed off Ramon Castella. He lived in this apartment house. Nice sort of a fellow, too. He acted as chauffeur and aeroplane mechanic for Dr. Malden. Malden was killed in an aeroplane accident the other day. They say it's a dope racket. Just can't figure it. Used to see this fellow Castella almost every day. He's a nice enough fellow, always taking an interest in the kids. I've got a couple of kids myself, and he'd stop and pass the time of day with them just as nice as you please. The kids liked him. He'd give them pennies, and sometimes buy them ice-cream. You can't figure a fellow like that as a dope peddler. But that's what they claim. It seems he used Mrs. Malden in some way so he could get dope from the doctor's office. Isn't that one hell of a note?"

"It sure is," Mason said, and turned back to his car.

He drove directly to the Hall of Justice and parked his car. He was grim-faced with determination as he crossed the street to the lighted portals of the building and pushed against the swinging door marked *Sheriff's Office*.

## CHAPTER SIX

THE district attorney's offices occupied an entire floor of the big Hall of Justice. Usually dark at this time of night, they were now ablaze with light. Newspaper reporters, sensing a big story, impatient to get at the facts, angry because action had been so delayed that it would be impossible to make the early morning editions, stood in little groups in the corridor. Photographers, holding press cameras, equipped with synchronised flash, were scanning the doors of District Attorney Hamilton Burger's office, awaiting some development which could be transferred to a photographic plate.

Perry Mason came barging out of the elevator.

Almost instantly his eyes were blinded by a succession of flashes as photographers shot pictures. Newspaper reporters crowded around him.

"What are you here for?" they asked. "Are you representing Mrs. Malden?"

"I'm representing Mrs. Malden," Mason said. "I'm here to see my client."

"They won't let you in," one of the newspaper reporters said.

"They'll either let me in or wish they had," Mason commented.

The reporters pestered him with questions as Mason moved towards the door of the district attorney's office.

One newspaper photographer pushed his way through the crowd, said: "Mr. Mason, I'd like a posed picture, if you please."

Mason shook his head.

The man kept pushing a card in front of the lawyer, and

Mason took the card and saw that it had a message in pen and ink.

The lawyer cupped the card in his hand so that no one else could see it, held it up in front of his eyes and read the message.

I am Drake's man. The camera is a blind. Let me pose you at the end of the corridor and I'll bring you up to date.

Mason thrust the card in his pocket, scowled angrily at the man and said: "Didn't you take a picture back there?"

"I want a posed picture."

"All right," Mason said at length. "Come on."

"At the end of the corridor, just getting out of the elevator."

"I'll be back," Mason promised the reporters. "Just let me give this guy a picture and I'll tell you all I know about the case, which is very little."

Mason turned back towards the elevator.

Drake's operative focused the camera, held it up to his eyes snapped a picture, moved over to Mason and said: "She's being accused of the murder of Dr. Summerfield Malden, and the chauffeur, a fellow by the name of Castella, is turning State's evidence and giving damaging evidence against her. They're in the district attorney's office. Castella is with the district attorney and Mrs. Malden is in Room 7."

"Thanks," Mason said, and pushed on past the detective to pause briefly in front of the reporters.

A plain-clothes officer was sitting at a desk marked 'Information'.

Mason shoved on past him.

"Hey, wait a minute," the officer shouted, getting to his feet. "Where the hell do you think you're going?"

Mason continued on down the corridor.

"Come back here," the officer yelled.

Mason paused in front of a door bearing the number 7 on the frosted-glass panel.

"Mrs. Malden," he called. "This is Perry Mason. Can you hear me?"

Mrs. Malden's voice came from the other side of the door. "Yes."

"Don't answer any questions," Mason shouted. "Don't say a word. Don't——"

Several events happened simultaneously. The plain-clothes officer grabbed Mason and started to wrestle him back down the corridor. The newspaper photographers gleefully closed in for photographs of the action. The door of Hamilton Burger's private office burst open and an angry, flustered district attorney stood on the threshold, his barrel-chested frame quivering with indignation.

"What the hell are you doing here?" he roared.

"Advising my client," Mason said. "I demand to see Mrs. Malden. She's my client."

The officer angrily spun Mason around. Mason managed to bring his heel down on the man's toes.

The officer jumped back, cocked his right fist.

"Don't, don't!" Hamilton Burger yelled, as the cameras of newspaper photographers again blazed into brilliance, photographing the cocked fist of the officer, the defiant attorney.

"You did that on purpose," the officer charged.

Mason said: "You threw me off balance. You had no call to touch me."

"The hell I haven't. You're trespassing."

"Trespassing?" Mason asked.

Hamilton Burger pulled the door of his office shut, stepped forward and said to the officer: "I'll take care of this. Yes," he said to Mason, "you were trespassing."

Mason grinned. "I'm paying rent on this office."

"What do you mean?"

"I'm a taxpayer. This is a public office. I have a right here."

"You were disturbing the peace."

"All right, go ahead and arrest me for disturbing the peace," Mason said. "I was advising a client. See if that's disturbing the peace in your book. After I'm acquitted I'll sue for false arrest."

"You can't come barging in here like this."

"I want to see Mrs. Malden."

"You can't see her. She's busy."

Mason said: "You try to keep me from seeing her and it'll be a violation of her rights."

"You'd better read your law," Burger yelled at him. "Exactly the same thing took place in the Strobel case, and the Supreme Court held that it wasn't a violation of constitutional rights."

"The Supreme Court ducked the question," Mason said, "and let the prosecution get by with it because of the nature of the Strobel case. Try and bring the same question before the court in a case of *this* sort and see what happens. I dare you. Go ahead. Let's try it out."

Burger's face creased into a thoughtful scowl.

"I'll throw him in a cell," the plain-clothes officer threatened.

Mason grinned at Burger. "He's asking you if you want to have me thrown in a cell for trying to see my client, Burger."

Burger turned to the officer and said: "Shut up. Go back there to the information desk. Now we can't have all of this hullabaloo here, gentlemen. I'm addressing all of you now. I'm trying to conduct an orderly inquiry in my office. I'm interviewing a very important witness in a murder case."

He glared at the photographers, and the photographers

gleefully reciprocated by photographing the irate district attorney in the midst of his tirade.

Mason, raising his voice, said: "I demand to see my client. She retained me earlier in the evening. If she's not under arrest I am advising her to walk out of here. If she is under arrest I'm advising you to have her booked and to permit me to talk with her. In any event, I am advising her to say nothing."

Burger, intensely angry, advanced on Mason and yelled at the top of his voice: "You don't need to yell at me. I'm not deaf!"

Mason, raising his own voice, shouted back: "I'm merely matching your tone. I am advising my client not to talk."

The two lawyers glared at each other, and again flash bulbs blazed while reporters scribbled notes on the back of folded newsprint.

Burger, suddenly realising that the resulting publicity might well have a disastrous effect, said: "I'm conducting an inquiry into what seems to be a murder case. If your client is innocent she has nothing to lose by making a full, frank disclosure. If she explains her position fully and frankly she can walk out. If she wants to adopt the course of the hardened criminal by refusing to talk, it will, of course, be an indication of her guilt."

"It won't be an indication of anything of the sort," Mason said. "Who do you think you are to grab a respectable woman out of bed and drag her down to your office at midnight?"

"She wasn't in bed," Burger said.

"Well, she should be in bed now. Here's a woman who has suffered a great loss, who is in a condition of emotional shock and——"

"I know what I'm doing," Burger said. "I wouldn't have brought her down here unless I had a complete case against her."

"Then what's this bunk about having her explain matters so she can walk out?" Mason asked.

Burger didn't have the answer to that one.

Suddenly the knob twisted on the door of office number 7, the door flung back, and Mrs. Malden made a desperate lunge to reach Mason.

"Mr. Mason," she called as the hands of a plain-clothes officer closed about her shoulders and pulled her back. She kicked blindly backward with her high-heeled shoe.

The officer gasped with pain. His hands relinquished their grasp for a minute, then grabbed again as Mrs. Malden stumbled out of the room.

"Get her back there," Burger shouted. "Get that woman back."

The officer who had been at the information desk came rushing forward. His charge sent two reporters reeling out of the way. He grabbed Mrs. Malden around her waist in what was almost a football tackle, and bore her back into the office.

Again flashlight bulbs blazed. The door of Room 7 slammed shut.

"This is a hell of a mess," Burger told the reporters. "Do you fellows have to louse up a situation like this?"

Mason raised his voice again. "Don't talk, Mrs. Malden. Don't even give them the time of day. Demand that you be booked or released. Will you do that?"

A muffled "Yes" from the other side of the door indicated that perhaps one of the officers had tried to clap his hand over her mouth to keep her from answering.

Mason grinned at the discomfited district attorney and said: "Now, Mr. Burger, I demand that my client either be released or booked. As her attorney I demand an opportunity to confer with her."

"You've conferred with her," Burger said.

"Through a closed door, while she was being brutally man-handled by officers."

"She was only being restrained when she made an attempt to escape."

"Escape?" Mason asked. "She was simply trying to reach her attorney. She wanted to confer with counsel. She was prevented on your orders, and prevented by excessive physical violence."

Burger thought things over, then reached a decision. "All right," he said, "you've loused things up now all you can. You can't see her, and you can either get the hell out of here or I'll have you ejected."

"On what ground will you have me ejected?"

"That this is a private office and——"

Mason pointed his thumb. "Your private office is behind you. This is a public office."

"Well, it's not open to the public at this hour of the night."

"The reporters are here," Mason said, "the photographers are here and I'm here. Now either let me talk with Mrs. Malden or take the responsibility of refusing to grant permission."

"I refuse to grant permission," Burger said, "and I'm going to have you ejected if you don't get out."

"Thank you," Mason said, smiling. He turned to the newspaper reporters. "I trust you gentlemen got all that," he said, and turning, walked from the office.

Burger stood watching him, undecided, apparently contemplating changing his mind and countermanding his instructions. Then he shrugged his shoulders, turned and went back into his private office.

## CHAPTER SEVEN

MASON drove savagely through late traffic, speeding wherever possible, taking chances when necessary, arriving once more at the bungalow at 6931 Cunco Drive.

A car was parked across the street. Mason parked his own car, watched the other car for a moment, and when he saw the faint gleam of a cigarette walked across to it.

"I'm Perry Mason," he said, as the man in the car rolled down the window and leaned forward. "You're Drake's man?"

"That's right." The voice came from the darkness. "I checked you earlier this evening."

"Oh, that's right," Mason said, recognising the man in the faint light from the cigarette. "What's doing over here at the house?"

"Nothing. She's evidently gone to bed. Everything's dark and silent."

Mason glanced at his watch. "She was dog tired. She'll probably throw a chair at me, but I've got to go across and get her up."

"Want me to help?"

"No. Just watch," Mason said. "I'm going to have to talk with her before the police do, and I haven't very much time. This place will be crawling with cops at almost any minute now. They'll ask you what you're doing on the job. Refer them to Paul Drake. That's all you know about it. You're working on a salary. Don't mention my name. Get me?"

"I get you."

"All right," Mason said. "I'm going across and get her up."

He walked back across the street to the bungalow, walked up to the porch, rang the doorbell and waited. Nothing happened.

When he had no response and heard no sound from the inside of the house, he rang the bell again, repeating the process four times in all.

The lawyer looked back over his shoulder at the detective seated in the car, then, after thinking the matter over returned to talk with him.

"You're sure she hasn't left?"

"Not since I've been here."

"What time did you get here?"

The detective switched on the map light in his car, pulled out his note-book and opened it for Mason's inspection.

Mason studied the time-chart. "She had about twenty minutes," he said, "perhaps twenty-five minutes from the time I left until you got here. I didn't look at the exact time when I left. I had the devil of a time finding a telephone so I could get through to Paul Drake. She could hardly have dressed and left in twenty minutes and yet—dammit, she may have beaten me to the punch."

"So what do we do?" the detective asked.

Mason said: "You sit right here. Have your hand on the horn. If *any* car comes down the street, police or otherwise, give me two blasts on the horn."

"You going to try to get in?"

Mason grinned. "I'm not committing myself. I'm going to do a little exploring."

"Okay. I'll tip you off. As I understand it, you want a warning if *any* car comes down the street."

"*Any* car."

"Okay. That's what it'll be."

Mason walked back to the bungalow. He took from his pocket the two keys that Steffanie Malden had given him,

keys which she had made from wax impressions of two unexplained keys on her husband's key-ring. One of these keys had fitted Apartment 928-B at the Dixiewood Apartments.

Mason selected the other one and tried it in the lock on the front door.

Not only did the key fit perfectly, but at a slight pressure the well-oiled latch swung back and Mason, twisting the knob, opened the door and stepped inside into the warm darkness of the house.

The lawyer hesitated over switching on the light but finally took a chance.

"Hello," he called. "Anyone home?"

There was no answer.

Mason moved through the room, switching on the lights until the house was all illuminated.

There were two bedrooms in the house. Neither bed had been slept in. A closet in one of the bedrooms contained women's clothes. That in the other bedroom contained numerous empty hangers.

The dresser drawers in this room were entirely empty. There wasn't the trace of a garment in any of them.

The drawers of the dresser in the bedroom where the closet contained feminine clothes were fairly well filled with garments, under-things, stockings, sheer nightgowns.

The bathroom still held a trace of moisture. There was a ring around the tub, a wet wash-rag lay where it had been tossed in a corner, a damp bath towel was draped over the back of a chair.

There was no one in the house.

Mason retraced his steps, switching out lights behind him. He let himself out the front door, closed the door behind him, crossed the street to the detective's car and said: "No use waiting here any longer. She won't be back."

"You mean she got away?"

Mason nodded.

"Must have done it while I was on my way out here then."

"That's right," Mason told him. "She must have made up her mind the minute I entered the place. She gained a little time by keeping me waiting while she put on street clothes. She was just out of the bath when I rang the bell. Fortunately for her she was all packed up. She must have had three suitcases and a hat-box in her car. They hadn't been unpacked. She was all set to take off."

"Why?" the detective asked.

"That," Mason told him, "is one of the things we're going to have to find out. First we'll have to find where she is."

"That isn't going to be easy."

Mason said: "We have the licence number of her automobile. Paul Drake's waiting at the office. You'd better come along with me. He'll need some extra men. The police will be here any minute. There's no use having them find you here and start asking you a lot of questions."

Mason returned to his automobile. The detective drove along behind him. Mason stopped at an all-night service station. From the phone booth he called Paul Drake's unlisted number.

As soon as Drake answered, Mason said: "Gladys Foss has flown the coop. We've got to find out where she is."

"How much time do we have?"

"That depends. We'll have to keep under cover," Mason told him. "We can't let the police know we're looking for her. It's going to be a job. Here are a couple of things you have to work on.

"First, your man who reported her at the Dixiewood Apartments said her windscreen was pretty badly stuck up with bugs. Remember that?"

"Uh-huh."

"That means she'd been driving through a valley, probably along some irrigated lands a little after dark. That's when the mosquitoes and bugs would be the thickest. She'd

picked up quite a few, and that means her petrol-tank was just about empty when she arrived at her home."

"How do you figure that?" Drake asked.

"Because," Mason explained, "a service station would have washed off the bugs if she'd stopped for petrol. If she got those bugs on the windscreen shortly after dark and they hadn't been washed off by the time she got to the Dixiewood Apartments, we can figure she probably had an empty petrol tank."

"I get you," Drake said. "What kind of a break does that give us? Do you think we can pick her up when she——?"

"Not a chance," Mason said. "There are dozens of all-night petrol stations around the city here. She'll fill up at one of them and we have no way of knowing which one, but let's figure that gives her about two hundred miles of driving before she needs to stop for more petrol. By two hundred miles it'll be beginning to get daylight and we can spot licence numbers. Now, Paul, I want you to use the telephone. Get men out on the road from various cities and start covering the roads and keeping an eye on the all-night petrol stations that are about two hundred miles from here. Can you do that?"

"No."

"No chance?" Mason asked.

"Not a chance," Drake told him. "There are too damn many roads, and I can't get men on the job who can start from here, fan out and establish a two-hundred-mile circle. If I telephone correspondents in different cities I still can't do it. Some of them are too far away."

"Such as what?"

"Such as San Francisco, Reno, Las Vegas, Phoenix, Yuma, Blythe, Albuquerque. No, you can't do it, Perry. There are too many roads into those cities and there's altogether too much traffic. It would cost a fortune and it wouldn't do us any good. There's only one thing you can do."

"What's that?"

"Ring up the police. File a charge against her if you have the evidence, and if you don't, give them an anonymous tip. If they're working on a murder case and you give them a tip they'll pick her up and——"

"And that's just what I don't want," Mason said. "I want to talk with her before the police do."

"Well, that's what we're up against," Drake told him.

Mason said: "All right, here's a long-distance programme for you, Paul. As soon as the offices open up in the morning, ring up the major petrol companies. Find out if she holds a charge account. Let them think you have a bill against her for collection. Use the credit manager of some company if you have to. All of those credit people hang together. If we find out she had a petrol credit card, make arrangements to check on the petrol stations of that particular company. By that we can tell what road she's on, how far she goes, and where she stops when she finally stops."

"Provided she uses her credit card," Drake said.

"That's a chance we have to take. Here's another job for you, Paul."

"What?"

"Wait exactly one hour," Mason said, "then ring up the police. Use a public call-box. Don't give them a chance to trace the call and don't stick around long enough so they can spot you with a radio car. Tell them your name is Ray Spangler; that you want to do the cops a good turn; that you'll give them a hot tip in the Dr. Malden case; that Gladys Foss has been playing the ponies with you for large sums, and you have long suspected she might have embezzled money from Dr. Malden. Tell them she was plunging desperately trying to parlay a winning combination that would bring in enough to enable her to make restitution, and that she wasn't able to do it. Tell them that you're giving them the tip out of the goodness of your heart and

to remember to give you a break some time, and then hang up."

"In exactly an hour?" Drake asked.

"Exactly an hour," Mason said.

"Okay. Anything else?"

"That's good at the moment. I have one of your men with me. He was the one who was watching the Foss residence. I'm going to send him up to your office and tell him to wait there for instructions."

"Okay. That'll give us one good man on the job up here."

Mason hung up, sent the detective up to Drake's office, then drove rapidly back to Gladys Foss's bungalow. He let himself in with his key, turned on the lights and proceeded to wreck the place.

He pulled sheets off the beds, pulled out the bureau drawers, dumped the contents on the floor, pulled suits and dresses off the hangers, all the time taking care to leave no fingerprints.

It took him less than ten minutes to make the place look as though it had been struck by a human tornado.

Having accomplished that, Manson switched out the lights, gently closed the door, got in his car and drove to his apartment.

## CHAPTER EIGHT

NINE o'clock in the morning found Perry Mason accosting the man who opened the cigar store at Seventh and Clifton Streets.

"Mr. Spangler?" Mason asked.

The man turned quickly, with the swift reaction which characterises men who live dangerously, who realise that at any moment a touch on the shoulder, the jab of a gun in the ribs, may change the entire course of their lives.

"Who are you?"

"Perry Mason, the attorney. I want to talk with you."

"What about?"

"Gladys Foss."

"Oh, her!"

"That's right."

"Come in."

Spangler unlocked the door, stepped inside, pulled up the blinds, said to Mason: "Just a minute. I have to get ready for business."

He pulled out some display racks containing paper-cover books, unlocked the cash register, turned on a ventilating fan, walked behind the counter, put his elbows on the glass, studied Mason thoughtfully, said: "All right, what about Gladys Foss?"

Spangler was a heavy-set individual, big-framed, with heavy muscles and heavy features. His cold blue eyes were deep-set, protected by the bony structure of a low forehead above and high cheek-bones below. His lips were thick and he had tried to disguise the line of his mouth by growing a hairline moustache. The man evidently spent some time on

his clothes and studying his personal appearance.

It was largely a waste of effort.

Mason said: "I want to know about Gladys Foss."

Spangler licked his full thick lips with the tip of a nervous tongue, said meaningly: "If I knew who gave the cops a bum lead last night I'd take him apart. I'd break his goddamned neck."

He ceased speaking and glared at Mason.

Mason casually lit a cigarette. "Have trouble?" he asked conversationally.

"Oh, no," Spangler said sarcastically. "I didn't have any trouble. No trouble at all. Oh, no. They just pulled me out of bed at three o'clock in the morning, dragged me down to headquarters, made me tell everything I knew."

"Too bad," Mason said. "Sometimes the law can be very inconsiderate."

"Are you telling me?"

"Well," Mason said, "I'm interested."

"What's your interest?"

"I'm representing Dr. Malden's widow."

"Well, you've got a job."

"All I want from you," Mason told him, "is to find out the facts."

"I'm afraid I can't help you a damn bit."

"Why?"

"Because I don't know any facts."

"You knew enough of them to say that I had a job cut out for me in representing Mrs. Malden."

"Well, that's just stuff I picked up around headquarters while they were giving me the works last night."

"You told them about Gladys Foss?"

"All I knew about her."

"Which is what?"

"She played the ponies."

"How often?"

"Frequently."

"How big?"

"She played some sort of a system."

"You were running a book?"

"I was. Get this straight, Mr. Mason. I'm not any more. I'm selling cigars."

"That's fine. When were you running a book?"

"Up to about two months ago."

"What stopped you?"

"The police, and a thousand-dollar fine, a suspended sentence. You can't get by with anything in this town, particularly not right now. It's tough."

"You must have done a pretty good business."

"What's it to you?"

"I was just commenting."

"Well, you run your business and I'll run mine. I'm not asking you how much you make out of the law business."

"No need to get sore," Mason told him. "I could dig up the evidence in the police records if I had to."

"Well, I *am* sore. I don't like to be kicked around by the police when I'm not doing anything. It was all right when I was running a book. But now I'm straight as a string and they have no right to grab me out of bed and push me around."

"How was Foss? Lucky or unlucky?"

"Too damn lucky to suit me."

"I heard she dropped quite a wad."

"You heard wrong."

"That she had been embezzling money and was desperately trying to get even."

"That's what some rat told the cops."

"It wasn't true?"

"Hell, no."

"How did she play?"

"She had a mean system. She played combinations of long shots."

"Didn't you like that?"

"Don't be silly."

"Why didn't you like it? I thought those long shot bets were gravy."

"Well, guess again. And get what I said. She played *combinations* of long shots. She was risking small stakes. The chances were all against her. But if I won I could only get twenty bucks a play out of her—that was for the whole parlay.

"If I lost she could have stuck me for thousands—the way she was playing it. That put the over-all percentage against me."

"Did she ever win?"

"Hell, yes, she won twice. The first time she nicked me. The second time was the heavy dough. The gal had an uncanny hunch for parlay combinations."

"Did you do all her business?"

"I don't think so. I think she played with other bookies."

"She could have lost with them."

"She could."

"She didn't with you?"

"Hell, no, she was ten thousand ahead with me. She's smart, or else she had tips that were right from the horse's mouth."

"How did she pay?"

"Cash."

"No cheques?"

"I don't like cheques in this business. My bank account is subject to scrutiny. Then there's income tax problems. Cheques are poison. I pay my losses in cash. I want cash from my customers. I like it that way."

"I presume she made bets over the telephone, so how did she settle up?"

"She'd come in every Thursday afternoon about four o'clock, just as regular as clockwork."

"How late did you stay open?"

"When I was running book I stayed open until nine. Now I close at six."

"Good location here," Mason said, looking the place over.

"It's a lousy location," Spangler said bitterly. "I bought this place because I understood I could run book here."

"With no pay-off?" Mason asked.

"Just keep your nose on the trail you're trying to follow," Spangler said bitterly, "and it won't get dirty."

"Did the police ask you the same things I have?"

"They asked me about everything. I wouldn't be spilling all this to you if they hadn't already pulled it out of me piece by piece."

"Did you know who she was?"

"Sure. She was Gladys Foss."

"Did you know where she worked?"

"No. I thought she was some babe who had nicked some rich guy good and plenty and was playing the ponies for the excitement of it. You certainly could have fooled me on that babe."

"Didn't she dress rather quietly?"

"Well, yes, I guess she did, but with a babe like that you take in the general effect. She's a knockout and could wear a house dress and look swank. I used to think about her once in a while, but I always had a picture of her as living in some swank apartment with a few gentlemen friends who were generous, and an ex-husband in the background who had been forced to make a property settlement that stripped him right down to the bone. She'd caught him playing around with some sweetie, raided the joint with detectives, taken photographs and all that sort of stuff, and—hell, you're a lawyer. You know the ropes."

"She was a regular customer?"

"That's right."

"And two months ago you got picked up?"

"Something like that."

"And fined?"

"And fined."

"With a suspended sentence?"

"A suspended sentence."

"And then what happened with Gladys Foss?"

"I don't know. She went to somebody else. She rang me up when I got back and wanted to place a bet and I told her strictly nothing doing. I was on the legit from now on."

Mason said speculatively: "Running the kind of business you must have been running on a book, the fine wouldn't have hurt you so much, but quitting the business must have really put a nick in you."

Spangler said. "I'm going straight. I'm trying to give you a break and give you information, but so far you ain't even a customer. You haven't so much as bought a cigar. You're just an interruption."

Mason opened his wallet. "Well, give me a couple of cartons of cigarettes," he said. "I can use those."

Spangler said: "I didn't mean to be disagreeable. I was just—hell, I'm sore. I paid money for this joint. I paid money on the understanding I could run a book here. It turned out I couldn't. I don't know what happened. Somebody made a squawk. My pull wasn't big enough to keep going. Now I'm standing around here—hell, I don't know why I'm standing around here. I guess because I've got all my dough tied up here and there's nothing else to do."

"Well," Mason told him, "things will turn out all right. Thanks a lot for the information."

Mason picked up the cartons of cigarettes, his change, walked out and entered his car.

Half-way to the office he pulled into the kerb, bought a morning newspaper, turned to the Business Opportunities,

ran down through the column and finally found the ad he was looking for.

First-class, A Number One cigar counter, fine business opportunity for right person. Owner must sell on account of health. Books show net of over \$7,000 for last twelve months. Ray Spangler, Clifton Street near Seventh.

## CHAPTER NINE

PERRY MASON sat on one side of the table which ran down the length of the visitors' room at the jail.

On the other side, separated from him by a heavy mesh screen, Steffanie Malden, looking haggard and drawn, surveyed the lawyer with pleading eyes.

"Mr. Mason, you simply have to believe in me, that's all. You're going to have to have faith in me. After all, I'm your client and you're supposed to represent me."

"I'll represent you," Mason said, "whether I have faith in you or not. You're entitled to legal representation. You're entitled to a trial by jury. That means a trial by jury and not a trial by some lawyer. No matter *what* you've done you're entitled to your day in court and you're entitled to competent counsel to see that your rights are protected. When I start fighting to protect a client's right I fight every inch of the way for every constitutional right a client has."

"But I want you to have confidence in me. If you consider me simply as a client, a bit of human flotsam whom you are defending as an impersonal professional duty, you'll have an attitude that will undermine my faith in myself.

"That's the attitude a surgeon has when he's performing an operation with only one chance in a thousand of bringing the patient through."

"You are, of course, at liberty to get some other attorney any time you want to," Mason told her.

Her lips tightened. "You're holding a hundred thousand dollars of my money, Mr. Mason."

Mason, keeping his voice down but with anger in his tone,

said: "I'm not holding one cent of your money. I've told you that before and I want you to understand it."

"I *know* you're holding it, Mr. Mason. You have to be. I thought at first that you were doing it to protect my interests, that you'd tell the income tax people nothing about it, and then some time after things had blown over you could give me the money, or my share of it. Now—now I don't know *what* to think."

Mason said: "Well, I know what I think. I think that you went to that apartment, opened the safe, took out the money, and then laid a trap for me so that I'd go there and——"

"But why would I do that, Mr. Mason?"

"So you could do just what you're doing now—accuse me of having a hundred thousand dollars of your money in order to force me to do what you want."

"Mr. Mason, I never went to that apartment."

"You can look me straight in the eyes and tell me that you never personally visited that apartment?"

"Absolutely."

"Never?"

"Never."

She regarded the lawyer with calm, steady eyes.

"That's the thing that bothers me about you," Mason said.

"What?"

"That you keep lying to your lawyer. It's a bad thing to do."

"I'm not lying."

Mason said: "I was trying to protect your interests. You come to my office. You told me someone was following you. I wanted to find out who it was, so I hired detectives to shadow the person who was shadowing you."

"You did!" she exclaimed in surprise.

"I did," Mason said. "When you came to my office the second time you were being shadowed—by men I had hired to find out who was following you."

"What did they find out?"

"That no one was shadowing you."

"Oh," she said in a voice that showed sudden apprehension.

Mason went on calmly: "When you left my office that second time you were shadowed by persons whom I had employed. No one else was shadowing you. You had lied to me when you told me you thought you were being followed. You told me that lie so you could prevail on me to go to the Dixiewood Apartments.

"When you left my office that second time you had no idea you were really being shadowed, but you were, and by my men. You left my office and went directly to the Dixiewood Apartments."

"That's a lie, Mr. Mason. Your detective simply lied to you. I didn't do anything of the sort. I tell you I've never been to the Dixiewood Apartments.

"The detective who was shadowing me must have been trying to earn his fee by reporting something that you wanted reported. After all, doesn't it frequently happen that private detectives do give false reports?"

Mason said: "In this case it happens that there were *two* men on the job. I was hoping that we'd be able to pick up the people who were shadowing you and I wanted to be certain nothing happened so that we lost them. That's why I had my detective agency put two independent detectives on the job. They were both following you, both of them know you went to the Dixiewood Apartments, that you took the elevator to the ninth floor, that you were in there for about ten minutes."

Mason regarded her thoughtfully through the heavy meshed screen.

Her eyes altered for just a moment, then came back to his.

"Well?" Mason asked after a while.

"All right," she said wearily, "I did it. I went there, how-

ever, simply in order to close that safe. I had confidence in you, but I thought you were completely crazy to leave that apartment the way you said you'd found it. You'd said you found it with the picture taken down from the wall, the wallboard removed, the wall safe with the door open. That would have been an invitation to any T-man who went to the place to claim that I'd taken money from that safe. I couldn't afford to have that happen."

"How did you get in?" Mason asked.

"With a—a key."

"What key?"

"A duplicate key that I'd made from the keys on my husband's key ring. I told you about that, about putting them in a candle and——"

"You gave me that key," Mason said. "Remember?"

"Oh." She bit her lip.

"Go on," Mason said. "Where did you get your key?"

"When I had keys made I had duplicates."

"You had two of each?"

"Yes."

"Why?"

"I don't know. I just thought it would be a good idea."

"So you could give me one key and still have one for yourself."

"I wasn't thinking that far ahead at the time."

"How do I know you weren't?"

"You have to take my word for it."

"When I've taken your word so far it hasn't been so good," Mason said.

"Only on that one thing, Mr. Mason. That's the only thing I didn't tell you the truth about."

"All right, what did you do at the apartment?"

"I went in there and found it just as you described. I locked the safe. I was careful to leave no fingerprints. I put the section of wallboard back in place, and then I hung the

picture over the wallboard, and that's all I did. I just did that and got out."

"And that's the only time you lied to me?"

"Absolutely."

Mason sighed. "Now tell me the rest of it."

"The rest of what?"

"About the case. About what they're holding you for. About your husband's death."

"They think that he was murdered."

"How?"

"I don't know that. They think that it was something I did, that I was working with Ramon Castella."

"Were you?"

She made a grimace of distaste. "I hate him."

"Why do you hate him?"

"Because I think he's two-faced, because I think he was always working against my husband's best interests, because—well, because I don't like him."

"Did he ever make a pass at you?" Mason asked.

She hesitated a moment, then said: "Yes."

"Did you tell your husband?"

"No."

"Why not?"

"Because—well, because at the time—well, I—well, it was done under circumstances that were such that I didn't—I didn't want to bother him."

"Yet you went to this man's apartment?" Mason said.

"Yes."

"Why?"

"I wanted to find out who had driven my husband to the airport."

"Why?"

"Because I knew that Ramon thought I had and I thought he had."

"You didn't?"

"No."

"He didn't?"

"He says he didn't."

"Who did?"

Again there was an interval of silence.

"Go on," Mason said, "start thinking. Who drove Dr. Malden to the airport?"

"There was only one person who could have done it."

"Who was that?"

"Darwin Kirby?"

"Who's Darwin Kirby?"

"I don't know very much about him, Mr. Mason. I've heard my husband speak of him quite frequently. Darwin Kirby was a man whom he knew during the war. He wasn't a doctor, but was an officer of some sort. Anyway, they were thick as thieves. They had a lot of good times together and—well, my husband enjoyed the association."

"He corresponded with Kirby?"

"No, he didn't. No one knew where Kirby was. Kirby evidently had a little money, and, after the war, he became a rolling stone and drifted around from here to there. He didn't bother keeping up with anyone."

"How did you know all this?"

"Because when he showed up and they were talking, Darwin told us something about his philosophy of life. He felt that he'd been just another cog in the machine of civilisation and he decided to quit. When he was mustered out after the war he didn't have any relatives that he wanted to keep up with. He didn't like his wife—that is, he hadn't been particularly happy in his married life. He thought she nagged at him and there was a mother-in-law who was domineering—in short, he just didn't want to go home. He just washed his hands of the whole thing."

"And you say he didn't keep in touch with your husband?"

"No. I'm certain he didn't. My husband often spoke

about him and said he wished that Darwin would drop him a line and let him know where he was, that he felt hurt because—well, he had always liked Darwin.”

“And then Darwin showed up?”

“Yes.”

“When?”

“The night before my husband’s death.”

“He stayed at your house that night?”

“Yes.”

“Who saw him there?”

“Why, the cook and the maid both saw him. He was there for dinner.”

“And stayed all night?”

“Yes.”

“And then left the next morning?”

“Yes, they left together. He said he was going to go to Chicago, and then from Chicago he was going to head towards Canada. He wanted to do some prospecting. I think he was stopping off in Denver or Omaha. I didn’t pay too much attention to that part of the conversation.”

“When was he leaving?”

“It was my understanding that my husband was going to drop him at the airport on his way to the office. I don’t know, but I know Darwin was leaving on a morning plane.”

“Then he couldn’t have driven Dr. Malden to the airport.”

“Yes, he could. He might have changed his departure time and decided to leave on a later plane.”

“Is there anything that you have to back up this assumption? Do you have any proof?”

“Yes. Someone drove him. I don’t think it was Ramon, it wasn’t I, and I’m quite certain it wasn’t Gladys.”

“Then Dr. Malden’s car would necessarily have been left at the airport,” Mason pointed out. “Dr. Malden would have taken his own plane. Darwin Kirby would have taken a trans-continental plane. The car would have been left there. You

thought at the time that Ramon Castella had taken Dr. Malden to the airport?"

"That's right."

"Why?"

"Because he usually did so. But he told me last night he hadn't done so. I don't trust him. I think he's a crook. I'm still not certain Ramon didn't drive him to the airport."

"All right," Mason said, "I'll check into it. Now, tell me, what grounds do they have for thinking that your husband was murdered? Do they claim that you tampered with the plane, or what?"

"That," she said, "is something I can't enlighten you on, Mr. Mason. I can't give you the faintest ghost of a clue. All I know is that it comes from something Ramon Castella has told them."

"Perhaps he said you tampered with the controls of the plane or something of that sort?"

"I don't know, Mr. Mason. I simply don't have the faintest idea."

Mason said: "I'm going to ask for a quick preliminary examination. They thought I was going to spring some legal technicalities or they didn't dare to wait for a grand jury indictment. They filed a complaint against you charging you with murder. I'm going to rush this thing through to a quick preliminary hearing in order to find out what they have against you."

"You're going to continue to represent me?"

"Do you want me to?"

"Very much."

Mason said: "I'm going to represent you as far as the preliminary hearing anyway. From a standpoint of public relations, it would damage your case if I should withdraw at this time. After the scene I made in the district attorney's office last night, after the way I talked, and after all the newspaper publicity we've had. I can't abandon your case now

and ask you to retain some other attorney without causing a very bad impression in the minds of the reading public. And, in the long run, it's from the reading public that you'll be getting a jury. But I want to warn you that they undoubtedly have some very good, very strong evidence pointing directly to you, otherwise they wouldn't have dared to arrest you at the time they did or filed the charge in the way they did."

She shook her head. "They don't have any evidence against me because I didn't do anything. And if you can tell me how someone can reach up in the air and murder a man who's flying an aeroplane—well, it just can't be done."

"Could two people get in that plane?" Mason asked.

"Yes, two people frequently flew in it. It cuts down on baggage capacity, but there was only one person in the plane when it took off from the airport, and there was only one body in the burned plane when it was found crashed out there in the middle of the desert."

"Well," Mason said, "I'm going to look around. I'm going to see what I can do. I'm still not satisfied with this thing."

"Mr. Mason, you *did* get some money from that apartment, didn't you? Please be frank with me on that. Please——"

Mason said: "I've told you before and I'm telling you again—I didn't get a dime."

"You're not just—well, just saying that so you won't be an accomplice under the income tax and——?"

Mason said: "I'm telling you that because it's the truth. That's a commodity that you may not recognise when you see it, because you have so little dealings with it, but it's the truth. Now I'm going out to try and find out what the hell this is all about."

Mason pushed back his chair, signalled to the matron, who was standing at the far end of the room, that the interview was over and walked out.

There were a few formalities incident to Mason's departure.

Impatiently the lawyer looked at his wrist-watch as he hurried across the lower floor of the big building towards the street doors.

His downcast eyes were conscious of a shadow. His body felt the peculiar sense of another's presence, that subtle something which is not an odour, not a sensation of bodily heat, but the feeling of magnetic warning which occurs when one person has suddenly and unexpectedly come close to another.

Mason jerked his eyes upwards, brought himself to a rigid halt.

The woman with whom he had almost collided was looking in her purse, searching for something. She, too, sensed the presence of another person and raised deep blue eyes to Mason's granite-hard face. "I'm afraid I wasn't looking," she said.

"My fault," Mason said. "I was hurrying and——"

The deep blue eyes were sharp with curiosity.

"Don't mention it. You're Mr. Perry Mason, aren't you?"

"Yes."

"You don't recognise me, but I saw you last night in the apartment house."

"The apartment house?"

"Yes. The Dixiewood Apartments. I was just crossing the lobby and you were going out. I'm Edna Colebrook. My husband's Harry Colebrook, in the Identification Bureau in the Sheriff's Office. I'm on my way to see him now."

"Oh, yes," Mason said, and moved slightly to one side so as to get past her and gain the door.

"We live in the Dixiewood Apartments, you know."

"I didn't know."

"I've seen you several times in court and—you must have thought it was forward of me last night but I was on the

point of speaking. I guess you knew that. I looked up and saw you and there was that instant flash of recognition, and then it was a second before I realised that I hadn't formally met you."

The deep blue eyes were smiling into his now. "Tell me, Mr. Mason, do you have a client in the Dixiewood Apartments? I'm just bursting with curiosity. Not that I'm inclined to gossip or be nosey, but somehow the Dixiewood seems like sort of a private club. There's a small group of us there who have become close friends. There was a very attractive young lady with you. Does she live there?"

"I hope you don't think I'm being too dreadfully impulsive. My husband says I always rush in where angels fear to tread, but I don't think you get anywhere these days unless you have initiative."

Mason laughed. "I'm afraid you've given me too many questions to answer, Mrs. Colebrook. As a matter of fact, I was merely making a personal call. However, you're going to have to excuse me at the moment. The reason I almost ran into you was because I was hurrying to keep an appointment on which I've already been delayed."

Mason raised his hat, detoured around her, and gained the outer door with long-legged strides.

In the doorway he risked pausing slightly to glance back over his shoulder.

She was standing just as he had left her, her forehead furrowed slightly with thought, the blue eyes fastened on him.

Mason knew then that his slight pause, his flicker of a backward glance, had been a fatal mistake.

## CHAPTER TEN

MASON, Della Street and Paul Drake sat in the lawyer's office holding a last-minute conference on the eve of Steffanie Malden's preliminary hearing.

It was nearly eleven o'clock at night. Drake, his face lined with fatigue, sat in his favourite position in the big overstuffed leather chair. Della Street, a note-book on her lap, a pencil held ready to take notes, watched the lawyer with anxious eyes.

"Why don't you get a continuance?" Drake asked.

Mason shook his head.

"Why not?" Drake persisted.

Mason said: "The income tax people are curious. So far no one has found out about that apartment in the Dixie-wood Apartments. Sooner or later they're going to find out about it. So far no one has bothered to try and establish the identity of Charles Amboy. It's been taken for granted that he was associated in a more or less indirect way with Dr. Malden, that Amboy is somewhere in Europe and can't be reached. In fact, no one's paid any attention to Amboy."

Mason pointed to one of the afternoon papers which lay half-open on the floor where he had dropped it when he had finished reading it.

"But the income tax people have moved in. They're smelling around. They're curious. Sooner or later they're going to start looking for Amboy. Sooner or later they're going to start checking on everyone with whom Dr. Malden did business. Sooner or later, probably sooner, they're going to find out about that apartment in the Dixie-wood Apartments."

"Well," Drake said, "that doesn't prove she's guilty of murder."

Mason said: "When Della and I left the Dixiewood Apartments we encountered a woman who recognised me. She wanted to speak, then changed her mind. She's Mrs. Harry Colebrook. Her husband works in the Identification Bureau in the Sheriff's Office.

"Later on, I happened to run into Mrs. Colebrook. She was on her way to the Sheriff's Office to see her husband. She's a woman who packs a deadly wallop. She looks at you with caressing blue eyes and asks the damnedest questions. She was dying to know what I was doing in the Dixiewood Apartments, and she was dying to know the identity of the girl who was with me.

"She's half-way convinced that I'm maintaining a love nest and she's going to start asking questions. Once let the name of the Dixiewood Apartments appear in the paper and she'll have a flash of understanding and tell her husband. He'll grab the telephone, call Homicide, and then the fat'll be in the fire."

"How come?" Drake asked.

"The Federal men will locate the apartment. They'll go through it with a fine-tooth comb. They'll find a wall safe. They'll get it open. They'll find it's empty. They'll know that I went there. They'll know that I'm attorney for Mrs. Malden. They'll know that according to their figures Dr. Malden had been high-grading about a hundred thousand dollars that he salted away from his income. Now you put all that together and tell *me* the answer."

"Oh-oh," Drake said.

Mason got up and began pacing the floor. He stopped, came back to the desk and looked at the sheaf of typewritten reports Drake had made covering the work of his investigators, then he once more resumed pacing the floor.

"I've got to rush this thing," he said. "I've got to force

the district attorney's hand. I've got to try and force him to put Ramon Castella on the stand in the preliminary examination."

"He won't want to do it?" Drake asked.

"Hell, no," Mason said. "He'll fight tooth and nail to keep from doing it. If he puts Castella on the stand I'll cross-examine him. I'll have a record of questions and answers. I'll pin him down to every minute detail of his story. Later on, when the time comes to examine him in front of a jury, I'll have a record of what he said. I'll keep firing questions at him, and it's almost certain there'll be some contradictions."

"Does the district attorney need to put Castella on the stand tomorrow?" Della Street asked.

"He thinks he doesn't," Mason said. "He thinks he's just going to show that a murder has been committed and that there's reasonable ground to believe Steffanie Malden committed it. That's all he has to show on a preliminary examination—simply that a crime had been committed and that there's reasonable ground to believe the defendant is guilty."

"Well, it's a cinch he can do that," Paul Drake said. "He hardly needs any evidence to do that."

"He may need a lot more than he thinks," Mason said, pacing the floor.

"Of course," Drake told him. "there's a narcotics angle mixed in it in some way. The Federals have been working on it, and so has the Narcotics Division of the police force."

"I wish you could get me more on that," Mason said impatiently.

"I wish I could too," Drake told him, his voice flat with fatigue.

"And you haven't been able to get anything on Gladys Foss?"

"Not a thing. What's more, you can't find where she ever embezzled any money, not according to the records. Those records are in one hell of a mess."

Mason said: "She as good as admitted to me that she'd been embezzling money to play the races. The bookie says she'd been playing the races, but had made a sweet profit."

"She may have had other bookies," Della Street said.

Mason looked over to Paul Drake. "You haven't been able to find any, Paul?"

Drake shook his head. "Have a heart, Perry. You don't turn to the classified directory in a telephone book and find a listing of bookmakers. You have to skirmish around carefully, finding out where you can place a bet. Then you have to get a contact who has the confidence of the bookie, and then you ask a casual question about whether some individual has been playing the ponies.

"Those bookmakers weren't born yesterday. They know that Gladys Foss is mixed up in what the D.A. claims is a murder case. They know that somebody would like to have them on the stand as a witness. What would you do if you were a bookie? The same thing they do. They look you straight in the eye and say: 'Foss? Gladys Foss? Don't believe I ever heard of her. At any rate, she never did any business with me.'

"They'd say that even if she owed them five hundred dollars on an open account right then. They'd say that if she'd dropped ten thousand with them in the past year. They'd say that if she'd been placing bets every day.

"You can imagine what a sweet position a bookmaker would be in if he had a subpoena served on him, if he was forced to get on the stand, take an oath to tell the truth and nothing but the truth, and then have some district attorney start inquiring into his business relations with Gladys Foss. And all the time the district attorney is in effect, threatening the guy that if he says anything favourable to the defence he'll be arrested as a bookmaker and put out of business."

"Of course," Mason pointed out, "that's true in a way, but as far as the income tax people are concerned, once we can

show that she was playing the ponies, once we can show the admission she made to me, we have a perfect out."

"And where does that leave Gladys Foss?" Della Street asked.

Mason paused in pacing the floor. "There is," he said, "a very sharp hairline, a razor-sharp edge. If she can keep her balance on that razor-sharp edge she's all right. There can be just enough evidence to show that she probably embezzled enough money to account for any cash shortage that might have existed, but there isn't quite enough evidence for the D.A. to dare to proceed against her as an embezzler. And that's particularly true if there's no one to sign a complaint and if she is by this time in another state where it would be necessary to have extradition proceedings and where she could fight extradition proceedings."

"How about Mrs. Malden? Would she file a complaint against her?" Drake asked.

Mason smiled. "Mrs. Malden would accuse her of embezzlement, but she wouldn't swear she had committed an embezzlement."

"How about the officers?" Drake asked.

"What officers?"

Drake thought that over.

"And it's such a cinch *I'm* not going to sign a complaint," Mason said.

"But you are perfectly willing to remember that she virtually admitted to you that she'd been embezzling money," Drake said.

"Oh, certainly," Mason told him. "That part of the conversation I remember perfectly, plus the fact that even after a long drive from Salt Lake City she had taken a quick bath and then thrown herself in the big easy chair in her apartment, turned on the reading-light and gone through the racing news in order to see how she was standing, and perhaps to pick out some bets for the next day."

"You caught her at that?" Drake asked.

"She'd just had a bath," Mason said. "Her body was still warm from the hot water. She was attired in nothing but a negligée. She had flung herself in the chair, and when I rang the bell she dropped the paper, jumped up out of the chair, hesitated for a while, and finally came to the door to see who it was. By the time I got in and settled myself in the chair, and she went to put some clothes on, the cushion of the chair was still warm and the racing page was right there at my finger-tips on the floor. She realised then, of course, that she'd made a mistake. She had to explain, and after she'd given me that much explanation and knew that I was suspicious she made that admission."

"What admission?" Drake asked.

"About the fact that she might have been short in her accounts. She didn't come right out and say that she was short, but she said, in effect: 'Suppose that I have been embezzling money. Then what would happen?'"

"What did you tell her?"

"I told her enough so that she knew she could give Steffanie Malden an out with the income tax people if she adopted that position. I didn't think she'd go that far."

"Will she?"

"I don't know," Mason said. "We've got to find her."

"Well, I've done everything I can think of," Drake said. "She vanished without a trace."

"You couldn't trace any petrol credit cards?"

Drake shook his head.

"You've covered motor courts?"

"I've covered the principal ones. I've checked every place I could think of."

"Well," Mason said, "it's inconceivable that she could completely and utterly disappear."

"Are you sure you want to find her?" Della Street asked.

Mason said: "I want to know where she is, that's all."

"But you don't want the authorities to know?" Drake inquired.

Mason shook his head. "The authorities would bring her back. They'd question her. She might make some answers to questions that I wouldn't like. Just the same, I'd like to know where she is so I could put my hands on her if I need to, and go and ask her some more questions if necessary."

"You had a hunch she was going to skip out, didn't you, Perry?"

"Sure I did. I just didn't think she was going to take it on the lam that fast."

"What made you think she was going to skip out?"

"Because that's the only way she could confess to an embezzlement without making herself criminally liable. She gave me a few leads about a possible embezzlement. She told me that she'd been playing the ponies. She gave me the name of one of the bookmakers who had been arrested, had pleaded guilty, had received a fine and a suspended sentence. He could talk to the police. In fact he was in a position where he didn't dare *not* talk to the police."

"The next logical move for Gladys Foss was to skip out. That would keep her from having to make any incriminating admissions, and yet would tie in with the supposition that she had embezzled money."

Drake said: "What's to have prevented her from opening the safe in the Dixiewood Apartments, taking out the hundred grand, putting it in her stocking and skipping out with that?"

"Nothing," Mason said, "except that in the first place, the safe had been opened before she arrived, and, in the second place, there may not have been a hundred grand in the safe."

Drake said: "Suppose that just before she left on her trip to Phoenix, Arizona, she had opened the Dixiewood safe, taken out the hundred grand and had it with her. What's wrong with that supposition?"

"Nothing," Mason told him. "That is, nothing we can prove at the present time."

"I'm going to buy that," Drake said.

"I'm not sure but what I am myself," Mason told him. "In the meantime, I'm going into court tomorrow and throw every technical monkey-wrench I can possibly think of into the legal machinery. I'm going to insist that Ramon Castella get on the stand. I want to see what he has to say.

"And just on general principles, Paul, I want to have a car parked where I can run and jump into it. Della, I'm going to want you to be with me. I'll tell you about my idea while I'm driving you home.

"I believe the prosecution's case may have one fatal weakness. If it has I'm going to try to capitalise on it in the most dramatic manner possible."

Della Street regarded Mason with solicitous eyes. "Don't you think you'd better call it a day, Chief, and try and get some rest?"

Mason paused in pacing the floor. "I suppose so. I guess there's nothing more we can do here."

Della Street picked up the pages of flimsy from the lawyer's desk, crossed over and locked them in the safe. She nodded significantly to Paul Drake.

## CHAPTER ELEVEN

JUDGE TELFORD took his place on the bench, called the court to order and frowned at the spectators who had packed the court-room to capacity.

He glanced with some acerbity at the various attorneys, Perry Mason, sitting with the defendant, at one table; two special trial deputies from the district attorney's office seated at the other table.

"As I see it, gentlemen," Judge Telford announced, "there is no need to clothe these issues with any great amount of technicalities. The question before this Court, as a committing magistrate, is simply whether the crime of murder has been committed and whether there is reasonable ground to believe the defendant is guilty. I take it there is no dispute as to this matter."

Judge Telford frowned at Mason.

"If the Court please," Mason said, "that may be a statement of the case which is before the Court, but I would like to point out to the Court that the object of this hearing is to protect the defendant. If it appears the defendant is in fact innocent, this is the time when the defendant should be released."

"Well, of course," Judge Telford said tolerantly, "there's a wide margin between showing that a defendant is innocent and between showing that a crime has been committed and that there's a reasonable ground for believing the defendant is guilty. I think I should call to the attention of counsel for both sides that this is not a case where the defendant must be proven guilty beyond all reasonable doubt."

"We so understand the law," Mason said cheerfully.

which under ordinary circumstances would never be found in such a substance. These are metallic compounds that are harmless when swallowed.

"In the department where I work we identify these substances by various code names. For instance, the subject which I have in mind at the present time is referred to as Code Number 68249."

"Does that have any reference to an emission line?" Hurley asked.

"Not directly. It is a code number. It has a certain relationship, however, to an emission line within certain definite wave-lengths. The number is a code designation."

"And a spectroscopic analysis is able to detect this substance which you have referred to as Code Number 68249?"

"Yes, sir."

"In what quantities?"

"In microscopic quantities."

"Did you have occasion in connection with the body of Dr. Summerfield Malden to make any spectroscopic analysis of the organs?"

"I did. Yes, sir."

"What did you find?"

"I found unmistakable evidences of Code Number 68249."

"In the body?"

"Yes, sir."

"I'm going to show you a bottle of whisky, a flask which I am going to ask the Court to have marked People's Exhibit Number One for identification."

"So ordered," Judge Telford said.

"I am going to ask you some questions concerning this flask."

"Yes, sir. That is a metallic whisky flask containing approximately one pint."

"Where was this whisky flask found—if you know? Or do you know?"

"Yes, sir, I know."

"Who found that flask?"

"I was present when it was discovered."

"Where was it discovered?"

"In examining the wreckage of Dr. Malden's aeroplane we tried to ascertain exactly what had happened. We, therefore, searched the ground for physical clues. We came to the conclusion that——"

"Now, just a moment," Judge Telford said, "I note there is no objection from counsel, but I think that the Court of its own motion will suggest to you that you restrict your statement to actual findings and not to your conclusions."

"Yes, sir. We found that the plane had struck the ground with a terrific impact. Certain objects had been thrown from the plane for a distance of as much as a hundred and fifty feet."

"Can you describe those objects?"

"One of them was a black bag containing certain emergency surgical equipment and remedies such as physicians usually carry."

"Where did you find that bag?"

"A distance of a hundred and fifty feet from the burned wreckage."

"What was the condition of the bag?"

"It had been ripped open. The bottles and the contents had been broken, pills were scattered over the desert together with particles of broken glass."

"Did you find anything else?"

"There was a specially constructed pillow with a zipper on one side. This pillow was so constructed that it could be used both as a back-rest and as a container. There was an inner compartment lined with a rubberised material and, as I say, things could be put in that pillow and the zipper could be drawn across it in order to close up the pocket in the pillow."

"You found this pillow?"

"Yes, sir. I was present when it was found."

"Where, with reference to the burned aeroplane?"

"Approximately fifty feet from the aeroplane."

"What was the condition of that pillow?"

"On one side it had been badly singed by heat, that is, it had been virtually charred on one side, but the charring was the result of being exposed to intense heat rather than to direct flame."

"And what was on the inside of that pillow?"

"This flask."

"The one that has just been marked for identification as People's Exhibit Number One?"

"Yes, sir."

"Do you know to whom that flask belonged?"

"Not of my own knowledge. Only from statements made by others."

"Did you process that flask for fingerprints?"

"I did. Yes, sir."

"Did you find any fingerprints on the flask?"

"Yes, sir. There were certain latent fingerprints."

"Those fingerprints were developed in your presence?"

"Yes, sir."

"And what was done with them?"

"I photographed them."

"You photographed them personally?"

"Yes, sir."

"What with?"

"With a fingerprint camera."

"And what did you find with reference to those fingerprints?"

Lomax reached into a brief-case and pulled out a series of photographs. "I found four very excellent latent fingerprints which I have here."

"Just a moment," Hurley said. "We ask that those pictures

be marked People's Exhibit Number Two, People's Exhibit Number Three, People's Exhibit Number Four and People's Exhibit Number Five for identification."

"Very well," Judge Telford said.

"What is Exhibit Number Two, Mr. Lomax?"

"That is the fingerprint of the right index finger of Dr. Summerfield Malden."

"Just a moment," Mason said, "I move to strike out that answer on the ground that it is not directly responsive to the question, that it involves a conclusion of the witness."

"But this is an expert witness of fingerprinting," Hurley said.

"That may be," Mason said. "I have no objection to his testifying that this is the fingerprint of *an* index finger on someone's right hand. My objection is that he identifies it as the fingerprints of Dr. Malden."

"Oh, I see," Hurley said, smiling. "Well, we can fix that up right away. We'll stipulate that the motion may be granted, Your Honour, and the answer stricken until we have laid a proper foundation."

Hurley turned to the witness. "Now, Mr. Lomax, have you examined the fingerprints of Dr. Summerfield Malden?"

"I have. Yes, sir."

"Where?"

"From photographic copies of fingerprints sent by the F.B.I."

"At whose request?"

"At my request."

"Now, in view of that statement, do you know whose fingerprint is shown in People's Exhibit Number Two?"

"Yes, sir. The——"

"Just a moment," Mason interrupted. "I have an objection to interpose, Your Honour. I object that the question is improper, that it is incompetent, irrelevant and immaterial, that it calls for the introduction of hearsay evidence."

"What do you mean?" Judge Telford asked.

"I mean that there is no evidence before the Court as to the authenticity of this fingerprint record received from the F.B.I."

"Oh, I'll connect it up if I have to," Hurley said wearily. "I ask the Court that the objection be overruled subject to my assurance that it will be connected up, otherwise the testimony can go out."

"Very well, objection overruled."

"Answer the question," Hurley directed the witness.

"That was the print of the right index finger of Dr. Summerfield Malden."

"What about Exhibit for identification Number Three?"

"Same objection," Mason said.

"Same request," Hurley said, "that this answer be permitted subject to my assurance that it will be connected up."

"Same ruling," Judge Telford said.

"That was Dr. Summerfield Malden's right ring finger."

"What about Exhibit for identification Number Four?"

"Same objection," Mason said.

"Same ruling," Judge Telford said.

"That was Dr. Summerfield Malden's left index finger."

"What about Exhibit for identification Number Five?"

"Same objection," Mason said.

"Same ruling," Judge Telford announced.

"That was Dr. Summerfield Malden's right thumb."

"Now then, what was in this flask marked for identification People's Exhibit Number One when you found it?"

"It was about half full of liquid."

"Do you know what the liquid was?"

"I do now."

"How do you know?"

"I was present and assisted in an analysis."

"What was it?"

"Whisky."

"Now is there anything peculiar about that whisky?"

"Yes, sir."

"What?"

"A spectroscopic analysis showed the presence of Code Number 68249."

"Now do you know how it happened that the substance you have referred to as Code Number 68249 got in that whisky?"

"Yes, sir, I do."

"How?"

"Indirectly it was placed there by me."

"Will you explain that to the Court?"

"I was originally asked to take certain steps to identify narcotics that were in the possession of——"

"Now, just a minute," Judge Telford interposed, glancing at Perry Mason. "That, of course, relates to a conversation which occurred outside the presence of the defendant, does it not?"

"Yes, Your Honour."

"Therefore it would be hearsay evidence," Judge Telford continued.

"No objection," Mason said. "I don't wish to be technical on minor matters."

"Well, you were technical enough about that fingerprint evidence," Hurley snapped.

"That *might* not be a minor matter," Mason said. "I'm perfectly willing to let this witness testify as to how it happened the substance referred to as Code Number 68249 got into the whisky."

"Very well," Judge Telford said, glancing at Mason as much as to say that he'd wait a long time before trying to interpose again in order to help the attorney. "You're representing the defendant. If the defendant makes no objection I will permit the witness to answer the question, although I certainly don't intend to be bound by any hearsay testimony."

"No, no, Your Honour," Hurley said, "I am only asking the witness generally how it happened that this substance was in the whisky."

"I was asked," Lomax said hastily, as though trying to get in his side of the story before the judge could rule that it was not proper, "to put some substance in the narcotics of Dr. Summerfield Malden which would enable me to identify those particular narcotics again. I decided to use the substance referred to as Code Number 68249, because that substance, from the very chemical nature of it, would never naturally be found in any of the narcotic preparations and because in microscopic quantities it had no effect on the human system."

"And what did you do?" Hurley asked.

"With the aid of the wholesaler, special narcotics were prepared for filling the orders of Dr. Summerfield Malden. Each one of those preparations contained, in addition to the morphine, heroin or other narcotic substances, a certain small quantity of the substance known as Code Number 68249."

"So then, you are prepared to say there was—— I will withdraw that and ask one more question. When you were present at the analysis of the whisky which was found in this flask, People's Exhibit Number One, did you find anything else in the whisky beyond the presence of Code Number 68249?"

"Yes, sir."

"What was it?"

"There was a very considerable quantity of morphine sulphate in the whisky."

"And this morphine sulphate in turn contained the identical substance you had placed in Dr. Malden's narcotics and which you have referred to as Code Number 68294?"

Lomax said: "I cannot conscientiously go that far, Mr. Hurley. I can only state that the substance referred to as

Code Number 68249 would not naturally be found in whisky. It would not naturally be found in any narcotic. I caused this substance to be placed in certain morphine sulphate which was sold to Dr. Summerfield Malden by the wholesaler. I found this same substance in the whisky contained in the flask, People's Exhibit Number One, and I also found that there was chemical evidence of a quantity of morphine sulphate in that whisky."

"You may cross-examine," Hurley said.

"Why did you put the substance known as Code Number 68249 in Dr. Summerfield Malden's narcotics?" Mason asked.

"Because I had been requested to prepare some means of identification so that we could trace those narcotics."

"How many substances do you have that you customarily use in making these spectroscopic identifications?"

"We have half a dozen."

"That are used in narcotics?"

"No, not in narcotics. Perhaps we could use all of them in narcotics, but in our narcotic work we usually rely on the substance known as Code Number 68249."

"You are affiliated with some law enforcement agency?"

"I am."

"Can you tell us which one?"

"I would prefer not to disclose my official connections. I am quite willing to answer any questions concerning my qualifications, or the procedure which I used in order to make an identification of Dr. Malden's narcotics."

"Exactly," Mason said, "but you are a part of *an* organisation."

The witness thought for a moment, then said: "Yes, sir."

"And there are other men in that organisation?"

"On a nation-wide basis, yes."

"And do you know all of those men?"

The witness smiled. "Not all of them, no."

"You know some of them?"

"Yes."

"There are others who have the same, or approximately the same technical education that you do?"

"Yes, sir."

"And this organisation has in its possession several instruments designed for the spectroscopic analysis of certain substances, does it not?"

"Yes, sir."

"And you are not the head of that organisation?"

"Definitely not."

"So the other members of the organisation do not report to you?"

"No, sir."

"You know that you were trying to put an identifying mark on the narcotics used by Dr. Summerfield Malden?"

"Yes, sir."

"And that you resorted to the substance known as Code Number 68249?"

"Yes, sir."

"You know that that code is particularly effective in use in identifying narcotics?"

"Yes, sir."

"You have used it as such at other times?"

"Yes, sir."

"On other cases?"

"Yes, sir."

"And if some other member of the organisation with which you are affiliated happened to be working in this territory on another narcotics case and had been asked to take steps so he could identify those narcotics, it is quite possible that the identifying substance would, by the sheer force of coincidence, have been that which you referred to as Code Number 68249?"

"I don't think anyone else from my organisation is working in this territory."

"You don't know?"

"I can't swear to it, no."

"You're swearing now," Mason said. "You're on your oath. Do you know?"

"No."

"And if some other person affiliated with your organisation, having substantially the same technical qualifications as you have, were asked to identify the narcotics belonging to some other suspect, the probabilities are that he also would use this substance known as Code Number 68249?"

"Oh, Your Honour," Hurley said, "I think this is unduly technical. I think this is——"

"The objection is overruled," Judge Telford snapped. "The witness will answer the question."

"Well, of course," Lomax said, "if I am to be absolutely fair I would have to state that under the conditions, which, I may state, are *exceedingly* unlikely, but under the conditions mentioned, my answer would have to be yes."

"There was some reluctance on your part to be what you described as absolutely fair?"

"None whatever."

"Some hesitancy?"

"Well—of course—I am in rather a delicate position."

"Does that position prevent you from being absolutely fair?"

"Certainly not."

"Why hesitate then?"

"I wanted to think of the effect of my answer."

"Not its truth, its effect?"

"In a way, yes."

"You did think of the effect?"

"Yes."

"Otherwise you wouldn't have given the answer?"

"I didn't say that."

"No, you didn't say it, your manner said it for you. Thank you. That's all."

"No further questions," Hurley said.

The witness got up to leave the stand.

Hurley and Madison Irwin, his assistant, engaged in a hurried, whispered consultation.

Abruptly Hurley announced: "We wish to recall Mr. Lomax to the stand for one other question which I find we neglected to ask."

Mason grinned at the discomfited district attorney and said: "Apparently because defence counsel failed to walk into the trap that had been set by the prosecution and asked the wrong questions on cross-examination."

Hurley turned angrily to Perry Mason, then suddenly recognising the humour of the situation, and perhaps conscious of the smile on Judge Telford's face, said: "Well, there's no harm in trying."

Lomax returned to the stand.

"Did you," Hurley asked, "find any other person's fingerprints on that metallic flask, People's Exhibit Number One?"

"I did. Yes, sir."

"Did you identify some of those prints?"

"I identified three prints. Yes, sir."

"Do you have photographs of them?"

"Yes, sir."

"I ask that these be marked People's Exhibits Numbers Six, Seven and Eight for identification," Hurley said.

"So ordered," Judge Telford ruled.

"Do you know whose fingerprints those are?"

"Yes, sir."

"Whose are they?"

"Those of the defendant, Steffanie Malden."

"How did you compare those fingerprints?"

"With fingerprints made directly from the fingers of the defendant."

"Now," Hurley said, smiling at Mason, "I think you may cross-examine. I think that concludes our direct examination."

Mason smiled at the witness and said: "Did you discuss the matters on which you were going to give your testimony with Mr. Hurley?"

"Oh, I'll stipulate that I talked over what his testimony was going to be," Hurley said. "After all, there's no jury here. What's the use of that type of question?"

"I asked it because I want it answered," Mason said.

"Answer the question," Judge Telford said.

"Yes, sir, I did."

"And did you discuss the *manner* in which you were going to give that testimony?"

"What do you mean by that?"

"Did you discuss with Mr. Hurley the fact that on direct examination you would introduce the fingerprints of Dr. Malden which were found on the flask, and that there would be no further questions in regard to fingerprints, but that when I took you on cross-examination and asked you whether there were any other fingerprints on that flask you would then crucify me with the information that the prints of my client were on the flask?"

The witness squirmed uncomfortably on the stand.

"Answer the question," Mason said.

"Oh, Your Honour," Hurley protested, "I think we're wasting the Court's time. I think it's a matter of common knowledge that counsel often discuss court-room strategy with a key witness, and outline the basis of the examination and the manner in which it's to be conducted."

"My question goes a little further than that," Mason said. "I think it's pertinent and I want an answer to it."

"The objection, if there is one, is overruled," Judge Telford said. "Answer the question."

"Well, generally that was the sum and substance of it."

"And you agreed to that?" Mason asked.

"Well, yes, although I don't know that I had anything to say about it."

"You agreed that you would carefully refrain from mentioning anything about Mrs. Malden's fingerprints being on that flask until I took you on cross-examination, and then you would take the first available opportunity to get that information into the record. Now isn't that right?"

"Well, I suppose that's generally the effect of it."

"So," Mason said, "you *are* biased against the defendant."

"Why, no."

"Then you're biased against me."

"No, I—I'm simply the prosecution's witness."

"Then you're biased in favour of the prosecution."

"I don't like that word biased," the witness said.

"I don't care whether you like it or whether you don't," Mason said. "I'm trying to determine, as I have a legal right to determine, whether or not there is a bias that actually exists. I'm asking you if you're biased in favour of the prosecution."

"Not to the extent that I would distort my testimony."

"But to the extent that you would conspire with the prosecution to try to get me in a trap where the case of the defendant would show to the greatest possible disadvantage in the press reports."

"Well—I think the facts speak for themselves, Mr. Mason."

"I'm not talking about facts now. I'm talking about the state of your mind, which becomes in itself an important fact in the case, because you're a witness. If you're biased, that's going to affect your testimony whether you realise it or not. Now the question is are you biased?"

"Well, I consider myself the witness of the prosecution."

"In other words, your livelihood depends on being called as a witness?"

"Not entirely."

"By the prosecution?"

"Well, usually."

"So that a large part of your success in your profession depends upon whether you have a reputation of being willing to co-operate with the prosecution in making a good witness for the prosecution?"

"I suppose so, yes."

"Now then," Mason said, "what other fingerprints were on that flask?"

"Quite a few. Some of them were badly smudged and couldn't be identified."

"What other prints were on that flask that you could identify?"

"Well, there were various fingerprints. Some of them were good fingerprints, but it was impossible to determine who had made them and——"

"What other fingerprints that you could identify were on that flask, and I'm referring now to prints that you were able to trace? In other words, prints that you have compared with other fingerprints and found to be identical?"

The witness hesitated, looked at Hurley, shifted his position, then said: "The prints of Ramon Castella, Dr. Malden's chauffeur and aviation mechanic."

"How many prints?"

"Two."

"Now then," Mason said, "I'm going to ask you whether the prints of Ramon Castella at any time, at any place, on that flask, were superimposed upon the prints of the defendant in this case?"

"I—I can't be certain. I think they were in one instance. It's difficult to tell."

"As far as your own knowledge is concerned, as an expert in the science of criminalistics, having examined that flask, you have found upon it the prints which you told the police were those of Dr. Malden, the prints of Steffanie Malden, the prints of Ramon Castella?"

"Yes, sir."

"Any other identifiable prints?"

"Yes, sir."

"Whose prints were they?"

"I don't know."

"Did you take photographs of those prints?"

"Yes, sir."

"Do I understand that you collected rather a large number of prints, I may say an unusually large number of prints, from this flask?"

"Yes, sir."

"What caused that?"

"I don't know. I presume that it may have been on account of atmospheric conditions, and probably was due to the fact that the flask had recently been polished. There was a mirror-like surface which was peculiarly receptive to taking and retaining latent fingerprints."

"As far as you know, and according to your best opinion as an expert, the indications are that Ramon Castella handled that flask after Steffanie Malden did?"

"Well—there, of course—I can't be sure."

"What's your best opinion?"

"I would hesitate to say."

"Why?"

"Because I might be binding the prosecution to a condition that——"

"Never mind considering the *effect* of your testimony," Mason said sharply. "I want to know your opinion. In your opinion did Ramon Castella handle that flask after Mrs. Malden did?"

"I don't know."

"If his fingerprints were superimposed on those of Mrs. Malden he must have done so?"

"Well, yes."

"And his fingerprints *were* superimposed on those of Mrs. Malden?"

"Well, if you want to put it that way, I suppose I will have to state that in my opinion Ramon Castella probably did handle that flask after Mrs. Malden did."

"You admit that reluctantly?"

"Well—I'm admitting it."

"You do it with some reluctance?"

"Yes."

"Now then," Mason said, "were any other fingerprints superimposed upon those of Mrs. Malden?"

Again the witness hesitated, then said: "Some of the fingerprints made by an unknown person are superimposed upon the other fingerprints. Now I don't mean all of the other fingerprints, but I do mean some of the fingerprints made by all of the other persons."

"And you don't know whose prints those are?"

"No, sir."

"Would you say that that meant such person was the last one to handle the flask?"

"No, sir, I would not. I would say that that person handled the flask after it had been handled by Dr. Summerfield Malden, Mrs. Malden and Ramon Castella, but it is entirely possible that after those prints were made Dr. Malden, Mrs. Malden and Ramon Castella again handled the flask. In other words, the stranger's fingerprints were not superimposed upon each and every fingerprint made by the others, but were superimposed upon some of the fingerprints of each of the others."

"That's all," Mason said.

Once more Hurley and Madison Irwin engaged in a

whispered consultation. This time there seemed to be something of an argument between them.

Judge Telford glanced at the clock. "Call your next witness," he said tersely.

"If we may have just a moment for a conference, Your Honour," Hurley said. "There is a question as to whom the next witness should be; whether we should call—if we may have a moment, please."

He bent over to again whisper to Irwin, apparently arguing some point with considerable warmth.

Abruptly he straightened. "Your Honour," he said, "it probably is not necessary and it may be that we are trespassing upon the Court's time with an excess of proof, but I feel that it is incumbent upon the prosecution to call Ramon Castella at this time and my associate, after some discussion, has agreed with me. Ramon Castella, will you take the stand, please?"

The movement evidently came as a surprise to the deputy sheriffs who were holding the witness in custody, for it was a matter of some two or three minutes before a flustered deputy, who gave every evidence of having hurried to carry out the assignment, brought Ramon Castella into the courtroom.

Mason studied Castella as the witness walked to the stand.

The chauffeur-mechanic was a man in the early thirties, well-built, compact, with a flat stomach, long nose, high cheek-bones and forehead, a good mouth and a lot of wavy black hair with which he seemed to take considerable pains; Castella had all of the externals of a good-looking gentleman.

There was, however, something about him that belied the externals. There was an excessive self-consciousness in his walk which just stopped short of being a swagger. There was something in the way he held his head, with the chin up at a certain fixed angle which might well mean he spent a great deal of time in front of a mirror studying his profile.

His hair showed just that trace of extra attention which indicates the difference between a man who prides himself upon being well-groomed and a conceited exhibitionist.

Everything about the man, in short, indicated that, according to his code of ethics, externals were all that counted.

He stated his name, age and residence to the court reporter, then turned expectantly to face Hurley's questions.

"You knew Dr. Summerfield Malden in his lifetime?" Hurley asked.

"Yes, sir."

"You were in his employ?"

"Yes, sir."

"What did you do?"

"I was something of a Jack-of-all-trades. I worked on his aeroplane and on his automobiles. I was a chauffeur and in many ways I was a general handyman."

"Dr. Malden maintained a private aeroplane?"

"Yes, sir."

"And you did work on it?"

"Yes, sir."

"When Dr. Malden travelled by plane, what were your duties? That is, I am trying now to find out the customary pattern of procedure in such matters."

"When Dr. Malden travelled by plane it was my duty, as a rule, to drive the car which took him to the airport, to wait until I saw that he was safely in the air, and then to take the car back to the storage garage where he kept it, and keep in touch with the telephone so that I could receive instructions from Dr. Malden. Then when Dr. Malden was ready to return, he would phone me and I would meet him at the airport with the car.

"Under those circumstances, and after returning, Dr. Malden usually drove the car and I would remain to work on the aeroplane, tune up the motor, see that it was filled with petrol and in proper running condition. I would then

usually go home on a bus or catch one of the regular stock limousines which carry passengers from the airport to town."

"Now referring to the ninth of this month, the day on which Dr. Malden met his death, can you tell us what happened?"

"As far as I am concerned, nothing."

"What do you mean by that?"

"For some reason I was not asked to drive Dr. Malden to the airport."

"I'm going to ask you if you know generally anything about Dr. Malden's custom as a flyer in regard to some method he used to keep awake."

"Yes, sir."

"What was this?"

"Dr. Malden had a silver whisky flask which held a pint. He always carried this with him in the plane."

"Just a moment. I show you a flask marked for identification, People's Exhibit Number One, and ask you if you have ever seen that flask before."

The witness took the flask, studied it carefully, then nodded his head. "Yes, that is the flask that Dr. Malden always carried."

"Your Honour, I am now going to ask that this flask which has previously been marked for identification be introduced in evidence as People's Exhibit Number One," Hurley said. "And inasmuch as the flask has now been authenticated, the various photographs which have been marked for identification as people's exhibits, should also be introduced in evidence at the present time, and I make that motion."

"Just a minute," Mason said. "I'd like to cross-examine on that particular phase of the question before the Court rules on the motion."

"Very well," Judge Telford said, "cross-examine."

Mason arose from his seat at the counsel table, walked

around the end of the table to stand where he could study the witness.

Both Hurley and Judge Telford, knowing that Mason's present desire to cross-examine the chauffeur had nothing whatever to do with the actual identification of the whisky flask as such, but was an attempt to see how Castella reacted to cross-examination, watched the drama intently.

The witness made a gesture of scornful defiance, turning in the witness chair to raise his eyes to Perry Mason, but, after a few moments, his eyes faltered before the steady gaze of the lawyer.

"I notice," Mason said conversationally, "that when you examined that flask it took you several seconds of study before you answered the question as to whether that was Dr. Malden's flask. You turned it around in your hands, looking it over carefully."

"Certainly," Castella said with sarcasm. "I would hardly have testified on a matter of that importance without being sure of my ground."

"Exactly," Mason said. "You were, I take it, looking for some mark of identification."

"I wanted to be sure."

"Were you looking for a mark of identification?"

"I was trying to be sure."

"Were you looking for some particular mark of identification?"

"Well, not exactly."

"What were you looking for then?"

"Something that would enable me to identify the flask."

"And you identified the flask?"

"Certainly."

"Therefore, you found what you were looking for."

"I convinced myself."

"Did you find what you were looking for?"

"I found enough to convince me of the identity of the flask."

"You know that there are hundreds, that there are thousands of identical flasks; that this is a flask that is turned out in quantities by a manufacturer?"

"Yes, of course."

"And, therefore, as you yourself have said, in a matter of this importance you wanted to be certain before you made an identification."

"Yes, sir."

"So you looked the flask over for some mark of identification?"

"I looked it over in order to convince myself that it was Mr Malden's flask."

"You were then looking for a mark of identification?"

"I was looking for something that would enable me to be certain."

"And you became certain?"

"Yes, sir."

"You are certain now?"

"Yes, sir."

"Therefore, you must have found that *something* you were looking for. Now just tell the Court what it was."

"I—just the general appearance."

"What about the general appearance?"

"I—well, I'm certain, that's all. It's just as though I were looking at an individual in order to make certain that I hadn't mistaken him for someone else. I couldn't say whether it was the length of his nose, the colour of his eyes, the way he cuts his hair, or what."

Castella briefly flashed a triumphant look at the trial deputy and then turned back to face Perry Mason.

"That's a good illustration," Mason said, "very good indeed."

"I might know that I was looking at a friend's face,"

Castella went on, "without being able to tell you to a centimetre the measurement of his nose."

"Certainly," Mason said. "Now when did you first think of that, Mr. Castella?"

"Think of what?"

"The analogy of comparing your identification of the whisky flask to the face of an acquaintance."

"Why, I'm not certain that I understand you."

"Oh, yes, you do," Mason said, "and there's no use sparing for time. Let's be frank about this, Mr. Castella. You delivered that speech rather glibly and then you turned to the deputy district attorney as though you were a pupil who had just given a perfect recitation, looking at the teacher for approval. Did Mr. Hurley think of that analogy and tell you to use it when I asked you to describe whatever identifying mark you had found on the flask?"

"I—I discussed the identification of the flask with Mr. Hurley."

"And you discussed the fact that I would probably ask to cross-examine you in regard to that identification, and Hurley asked you what you would say by the way of answer to my questions?"

"Well, there was a general discussion."

"And isn't it a fact," Mason said, "that it was Carl Hurley, sitting there at counsel table, who told you that when I had asked you to point out whatever identifying mark you had found on that flask, which enabled you to determine that it was Dr. Malden's flask, you were to state in effect that you couldn't find any particular identifying mark but that it was the general appearance just as you relied upon general appearance in identifying the face of a friend?"

Castella hesitated, glanced quickly at Hurley, then, as suddenly, averted his eyes.

"Go on," Mason said, "answer the question."

"Oh, I'll stipulate that I made a suggestion of that nature

to him," Hurley said, trying to pass the matter off as of no moment. "I thought it was rather an obvious comment under the circumstances."

"You have heard what the deputy district attorney just said?" Mason asked Castella.

"Yes, sir."

"And that is the truth?"

"Yes, sir."

"You admit it glibly enough now," Mason said. "Why did you hesitate and fail to answer the question when I first asked it?"

"I was thinking."

"What were you thinking?"

"I was trying to remember."

"You couldn't remember that?"

"No, sir, not offhand."

"But you remembered the lines you had been told to recite glibly enough."

"Oh, Your Honour," Hurley said, "I object to that. That assumes a fact not in evidence. There were no 'lines' the witness was to 'recite'. I merely mentioned an analogy to him and that's all."

"The objection is overruled," Judge Telford said. "However, Mr. Mason, I think the situation is obvious."

"Thank you, Your Honour," Mason said. "Having made my point, I now have no objection to the admission in evidence of the flask."

Mason turned, walked back to his seat at the counsel table.

Hurley found himself now confronted with a somewhat flustered witness.

"Now, Mr. Castella," he said sharply, "I want you to state in your own words just what happened on the day before Dr. Malden's fatal flight; that would be the evening of the eighth."

"I had a talk with Mrs. Malden."

"Now by Mrs. Malden you mean Mrs. Steffanie Malden, the widow of Dr. Malden, the defendant in this action who is, at present, sitting here in the court-room by the side of Mr. Perry Mason?"

"That's right, yes, sir."

"Where did that conversation take place?"

"In my room at the Erin Apartments."

"Now do you mean to state that Mrs. Malden, the defendant in this action, came to your room?"

"Yes, sir."

"At what time?"

"Approximately six o'clock."

"That is 6 p.m.?"

"Yes, sir."

"And did you have a conversation that had something to do with this flask or the contents of this flask?"

"Yes, sir."

"Will you please tell the Court exactly what the defendant said to you at that time?"

"Just a moment," Mason said. "Your Honour, I have an objection to interpose to this entire line of testimony, but if it is agreeable to Court and counsel I will withhold the objection until after the answers have been made to all of this line of testimony and then, if it seems the objection is proper, I will make it, otherwise I will not. In that way, we can conserve the time of the Court."

"Is that satisfactory to the prosecution?" Judge Telford asked.

"Quite satisfactory," Hurley said with a smirk. "By the time he hears this testimony he won't want to introduce any objection."

"Counsel will refrain from personalities," Judge Telford said. "Very well, Mr. Mason, your objection may be reserved until the Court and counsel have heard the testimony of the

witness as to the nature of this conversation and as to what was said."

"Go ahead," Hurley said to Castella, "tell us what was said."

"Well, Mrs. Malden told me that Dr. Malden was bringing home an old friend whom he hadn't seen for some time. She said this friend had a partially paralysed relative who was living in a sanatorium. He had asked Dr. Malden to see this relative as a consultant and that immediately after leaving the sanatorium Dr. Malden was bringing his friend home to dinner."

"Did she tell you the name of the friend?"

"Yes, sir."

"Who was it?"

"A Mr. Darwin Kirby. He had been a friend of Dr. Malden's for many years. He had met Dr. Malden while they were both in military service."

"Go on, what else did Mrs. Malden say?"

"She said that she was going to be busy entertaining Dr. Malden's friend. That she couldn't come to see me that evening."

"Previously there had been an arrangement that Mrs. Malden was to come and see you that evening?"

"Yes, sir."

"And she came to your apartment at about six o'clock to tell you that, owing to those circumstances, she couldn't come?"

"Yes, sir."

"Now what else did she tell you?"

"She gave me this flask of whisky."

"And what, if anything, did she say?"

"She said this was Dr. Malden's flask of whisky and to put it in the plane so he could have it; that he was taking off for Salt Lake City the next day, and that she had filled the flask with whisky."

"She said that *she* had filled the flask with whisky?"

"Yes, sir."

"You stated, I believe, that Dr. Malden customarily carried a flask of whisky on the plane with him?"

"Yes, sir."

"Have you at times been in the plane with Dr. Malden?"

"Yes, sir."

"As a passenger?"

"Sometimes as a passenger, sometimes I would fly the plane when Dr. Malden was tired."

"You are a licensed pilot?"

"Yes, sir."

"And do you know why Dr. Malden carried whisky with him on the plane?"

"He told me that—"

"Never mind what he told you. I'm asking you ~~now~~ what you have observed of your own knowledge as to Dr. Malden's custom."

"Well, he took whisky occasionally to stimulate him, to keep him awake."

"To keep him awake?"

"He took caffeine tablets and took whisky with them. The combination was of great help in keeping him awake."

"Now so there can be no misunderstanding," Hurley said, "as I gather from your testimony, Mrs. Steffanie Malden, the defendant in this case, on the evening of the eighth of this month gave you this flask of whisky at about six o'clock in the evening and told you that she had filled it with whisky."

"That's what she said."

"That was the same flask which is now introduced in evidence as People's Exhibit Number One?"

"Yes, sir."

"And what did you do with that whisky flask?"

"I took it down to the garage where Dr. Malden stores his

car and put the whisky flask in the pillow arrangement, which is where Dr. Malden always keeps the whisky, and left the pillow in the car."

"And that pillow arrangement, as you have referred to it, consisted of this pillow with the zipper in which the whisky flask was found?"

"Yes, sir."

"And then what happened?"

"Well, of course, I was expecting Dr. Malden to call me—I was to drive him out to the airport—but the call didn't come that night and it didn't come the next morning. I waited around and waited around until noon, expecting the call to come in. I thought perhaps Dr. Malden had been delayed by some emergency——"

"Never mind what you thought, just explain what happened."

"Well, I waited in my room for a call."

"And you did not receive that call?"

"No, sir."

"You did not drive Dr. Malden to the airport on the day of his death?"

"No, sir."

"Did you see that whisky flask again after it was handed to you by Mrs. Malden and after you placed it in the interior of this pillow with the rubberised pocket, and placed the pillow in Dr. Malden's car, and prior to the time it was found by the wreckage of the plane?"

"No, sir, I did not."

"Now was there any other conversation with Mrs. Malden that night?"

"Yes, sir."

"While she was in your room?"

"Yes, sir."

"What did she say?"

"She said she didn't feel Dr. Malden was going to live very

long and asked me if I would marry her if something should happen to her husband."

Behind him, Mason heard Mrs. Malden give a gasp, a startled choking intake of her breath. "The liar!" she exclaimed in a whisper.

She started to get up from her chair.

Mason put a hand on her arm. "Sit down," he said.

Newspaper reporters noted the bit of by-play.

Hurley said to the witness: "Now at this time I am not asking you for any previous conversations or for a statement to the relationship between you and Mrs. Malden. I am only asking you for this one particular conversation. Do you understand?"

"Yes, sir."

"And at that time and place she told you she felt Dr. Malden did not have long to live and asked if you would marry her in case she was left a widow—or words to that effect?"

"Yes, sir."

"Cross-examine," Hurley said to Mason.

Mason got to his feet. "If the Court please, I now wish to present the objection which I discussed before this line of testimony started."

"Very well."

Mason said: "The purpose of this testimony, quite obviously, is to show that the defendant in this case had access to certain narcotics which were kept by Dr. Malden in the line of his duty, that she had reason to know that her husband carried a flask with him on his plane trips, and took an occasional nip from that flask; that she had filled the flask and that she had used the opportunity to insert some of the the narcotics to which she had access; that as a result of this scheme, Dr. Malden became overcome with drowsiness due to the action of the narcotic and his plane crashed in the desert."

Judge Telford glanced at the deputy district attorney "I take it that is substantially correct, Mr. District Attorney?"

"Yes, Your Honour," Hurley said. "In addition to that, I may mention that so far we have only commented on the presence of morphine sulphate in the whisky. We have not, as yet, introduced a quantitative analysis showing the amount of drug which is in that whisky, but I propose to show that the whisky was loaded with such a quantity of morphia that even a small quantity of whisky from that flask would have the effect of stupefying the senses. Drowsiness and unconsciousness would ensue with such a speed that the person, particularly if piloting an aeroplane, would be unable to cope with the sensations even if he had any warning of the onset of those sensations. I think that the Court should consider *all* of these matters in connection with any objection that counsel wishes to make because I have the witness who can testify as to a quantitative examination here in court and he will, in the normal course of the trial, be my next witness."

"I quite agree with counsel," Perry Mason said, bowing to the Court. "Since there is no jury present I feel that the Court should take into consideration the position of the prosecution in this case and the nature of the proof which the prosecution wishes to present."

"Now then, if the Court please, I wish to object to any proof whatever being introduced tending to connect the defendant with any crime until it has been shown that a crime has been committed. I feel that I am only stating a well-known rule of law when I point out that it is necessary for the prosecution to prove a *corpus delicti* before there can be any evidence tending to connect a defendant with such a crime."

Mason smiled affably and sat down.

Judge Telford turned to the prosecutors. "Do you wish to

be heard?" he asked, his face a mask of judicial impassivity, his voice giving no indication of his feelings.

"I am quite willing to concede the general rule of law," Hurley sputtered angrily. "but I certainly don't understand what Mr. Mason is getting at. Here is a dead man. A man who was obviously killed by means of poisoned whisky which he ingested and which, at least according to the prima facie presumption of circumstantial evidence as it now exists, was deliberately prepared for him to drink by the defendant in the case—a woman who was in a position to profit very much by the man's death.

"I will state that I am at this time not presenting all of the proof which I am in a position to present at the time of trial. I refer to proof as to motivation and a past history which will be indicative of motivation.

"There was some hesitancy on our part in putting Castella on the stand because we felt that the defence would undoubtedly explore this situation and we would, therefore, be in a position of tipping our hand. However, I will state that this witness can testify and doubtless will testify on cross-examination, that there were relations of intimacy between him and the defendant in the case; that he had reason to know that the defendant in the case had made a duplicate key to the narcotic cabinet of Dr. Malden and that there had been a surreptitious withdrawal of Dr. Malden's narcotics in a manner which had been very puzzling to Dr. Malden; that these narcotics had been withdrawn by the defendant because of her infatuation for the witness, Ramon Castella, and we may as well admit at the present time, that Ramon Castella, in turn, was supplying himself with funds by transferring these narcotics to a dope ring which was peddling them. It is not a pretty picture. It is a picture that I would prefer not to go into at the time of the preliminary examination, but doubtless, some of it will be disclosed on cross-examination."

Judge Telford looked over the top of his glasses at Mason.

"Of course, Your Honour," Mason said, still smiling affably, "after I have cross-examined the witness in regard to his testimony, I would hardly be in a position to object to it. I am, therefore, raising the objection at the present time. I think counsel, however, misunderstands the purpose of my objection. I am pointing out that there is no corpus delicti because there is *no proof that the body found in the plane was that of Dr. Malden.*

"Personally, I think it is only a fair assumption that Dr. Malden at the last minute suggested to his friend, Darwin Kirby, that Kirby should fly the plane to Salt Lake City; that Dr. Malden planned to spend the week-end with a female friend in extra-marital relations."

"Good heavens," Hurley exclaimed, "you haven't the faintest vestige of proof of that. There isn't the slightest indication of that, disclosed either in the evidence or in the investigation the police have made."

"Then the police haven't made the proper investigation," Mason said. "I have reason to believe that Dr. Summerfield Malden is very much alive today; that the body which was found in the aeroplane was that of his friend, Darwin Kirby; that for reasons best known to himself Dr. Malden has decided to disappear; that as soon as Dr. Malden learned his friend had crashed and that the authorities thought the charred body was his, he deliberately disappeared."

"But there isn't the faintest evidence of that. You can't produce a single bit of proof that such was the case," Hurley protested.

"We don't have to," Mason told him. "The law does that for us. The law says that it's up to you to prove the corpus delicti before you can introduce any evidence connecting the defendant with the crime, particularly any evidence of admissions by the defendant."

"That's a mere technicality," Hurley said angrily.

"No, it isn't," Mason told him. "It's a wise rule of substantive law. It is a means by which the law safeguards the rights of innocent people.

"The prosecution always acts on the assumption that the defendant is guilty and that any safeguards with which the law may clothe the defendant are legal technicalities."

Mason sat down.

Judge Telford regarded the whispering deputy district attorneys, then looked once more over his glasses at Perry Mason. "Do you have any evidence of this? Any evidence at all, Mr. Mason, or are you merely resorting to conjecture?"

"I have some very substantial circumstantial evidence," Mason said. "I am not in a position to disclose that evidence at the present time, but I have every reason to believe that Dr. Malden is, at the present time, in the company of a young woman with whom he is infatuated. I do not care to disclose the name of that person, nor do I care to disclose the evidence. I respectfully submit to the Court that I mention it only as evidence of my own good faith."

Judge Telford again shifted his gaze to the deputy district attorneys. "Have you evidence to show that the body found in the plane was that of Dr. Malden?"

Hurley got to his feet. "Your Honour," he said, "this comes as a very considerable surprise."

"I understand," Judge Telford said, "but I am asking you if you do have any evidence tending to prove the identity of this body?"

"I may state this, Your Honour, that Dr. Malden went down to the hangar; that he filed plans for flight in his aeroplane; that he presumably took off in his aeroplane; that a body was found in the wrecked aeroplane and that the reasonable assumption is that the body was that of Dr. Malden."

"That's very logical reasoning," Perry Mason said, "except for one point. There isn't any proof that Dr. Malden was

the one who took off from the field in that aeroplane."

"He filed a flight plan," Hurley said.

"Suppose he did," Mason said. "Go ahead and prove that Dr. Malden took off in his aeroplane. Who saw the take-off? Who drove Dr. Malden to the airport?"

"I am assuming that his friend, Darwin Kirby, did."

"Then get Darwin Kirby as a witness."

"I don't know where he is. I've tried to find him."

"He's dead," Mason said, and sat down.

"I submit, Your Honour," Hurley said, "that it's up to the defendant to make that proof."

"I quite agree with counsel," Mason said. "If we want to make the proof it's up to us to make it, but we don't have to make it. It's up to the prosecution to *prove* that Dr. Malden is dead."

"Have you done anything to try to determine the identity of the body that was in the aeroplane?" Judge Telford asked the prosecutors.

"The body was burned almost beyond recognition. I believe I am safe in saying that it was burned beyond recognition."

"Have you," Judge Telford repeated, "done anything to try to establish the identity of the body that was found in that plane?"

"Only by identifying the plane and securing the flight plans and, of course, depending upon the circumstantial evidence of a normal routine."

"Have you," Judge Telford asked, "taken any steps to ascertain who took Dr. Malden's car out of the garage that morning?"

"We have done that," Hurley said.

"Do you have evidence that you can introduce?"

"We can if necessary, but it doesn't prove anything."

"Who took Dr. Malden's car to the airport?" Judge Telford asked.

Hurley seemed reluctant to answer the question.

"Well?" Judge Telford prompted, sudden suspicion giving his voice a keen edge of acerbity.

"Dr. Malden had his guest, Darwin Kirby, with him when he left the house that morning," Hurley said. "As nearly as we can ascertain, Dr. Malden drove direct to the airport."

"Then Dr. Malden's car must have been left at the airport," Judge Telford said. "If your assumption is correct and Dr. Malden took his friend to the airport and then took off in his own plane, the parked car will be a link in the chain of circumstantial evidence."

Hurley seemed uncomfortable.

"Wouldn't it?" Judge Telford asked.

"It might be, Your Honour."

"I assume you found this car parked at the airport where Dr. Malden left it. I suggest you had better introduce evidence to that effect before the Court rules on Mr. Mason's motion."

"I am sorry, but we don't have that evidence," Hurley said.

Judge Telford showed surprise and an awakening interest.

"Who drove Dr. Malden's car back from the airport?" he asked.

"We don't know, Your Honour."

"Where is Dr. Malden's car now?"

"If the Court please," Hurley said, "I feel that, at the moment, we are discussing an objection which has been raised and——"

"Do you know where Dr. Malden's car is at the present time?" Judge Telford interrupted.

"At the present time we have been unable to locate that car," Hurley admitted. "We consider that a fact that has no especial significance."

"Have you made an effort to find Darwin Kirby?"

"We would like very much to question Mr. Kirby."

"Have you made an effort to find him?"

"Yes, Your Honour, but the Court must bear with us. Darwin Kirby apparently is a rather eccentric individual. Even his close friend, Dr. Malden, did not have Kirby's address. It was not until Kirby telephoned Dr. Malden that he was in town that Dr. Malden had any idea where Kirby was, and this, despite the fact they had been close friends."

Mason said: "It appears, Your Honour, that Darwin Kirby was taking an east-bound plane. It would certainly seem possible to establish by records whether he actually took that plane."

Hurley remained sullenly silent.

"Was an attempt made to trace the movements of Darwin Kirby?" Judge Telford asked.

"He had a reservation on an east-bound plane, Your Honour, but he was listed on the records of the company as being what is known as 'No Show', which means he did not show up to check in at the airport."

Mason said: "There, Your Honour, I think we have the picture. Two men took Dr. Malden's car to the airport. Darwin Kirby was to go on an east-bound plane. Dr. Malden was planning to pilot his plane to Salt Lake City. If he had done so, if there had been no interference with his plans, his car must, of necessity, have been left at the airport where it would have been located by the police."

"All that Mr. Mason's argument proves," Hurley said, "is that Darwin Kirby may have stolen Dr. Malden's automobile."

Judge Telford shook his head. "I feel that under the circumstances there should be some identification of the body found in the plane. What about dentures? Has there been any effort to check the teeth?"

"An effort was made, Your Honour, but it was inconclusive."

Judge Telford's voice was sharp with suspicion. "Why was it inconclusive?"

"There seemed to be—well, the dentist is not entirely, absolutely certain of his records."

"Why isn't he?"

"Well, they may have been—Dr. Malden was a very busy man and he didn't pay frequent visits to a dentist. It is possible that he consulted another dentist and some work was done—we are investigating that phase of the case."

"You mean," Judge Telford said, "that the dental chart of the corpse that was found in the plane does not agree with the chart of Dr. Malden's dentist?"

"Well, that's, of course, stating it rather boldly."

"I don't know how you're going to make a statement of that sort without making it a bold statement," Judge Telford said. "Is that the case?"

"Well—I have every feeling, Your Honour, that the body is that of Dr. Malden. I feel it is the only reasonable inference and——"

"Will you please answer my question?" Judge Telford snapped.

"No, Your Honour, the charts do not agree in every detail."

"Under the circumstances," Judge Telford said, "I am going to sustain the objection."

"Under those circumstances," Hurley said, "I feel it only fair to point out to counsel that we will, at this point, dismiss the complaint charging Mrs. Malden with first-degree murder. We will, however, present her case to the grand jury and secure an immediate indictment, or we will file another complaint against her. The dismissal of a case at the time of the preliminary examination is not in any way a bar to further prosecution."

"Well, if you're going to have any further prosecution," Judge Telford snapped, "I suggest you get your facts straight. Mr. Mason, quite apparently, has evidence indicating that Dr. Malden was not in the plane at the time of the crash."

"I'd like to know what that evidence is," Hurley said.

"It happens there is no obligation on the part of the defendant to present his evidence to you," Judge Telford ruled. "Furthermore, the Court feels that in view of developments the institution of this entire proceeding was premature, to say the least."

"We were forced to take action because Mr. Mason was threatening us with habeas corpus."

"And I'm threatening you again," Mason said. "If you're going to dismiss this case, dismiss the defendant from custody."

"We don't have to."

"You either have to dismiss her or charge her."

"We'll charge her."

"Well," Judge Telford said, "what's the present status of this preliminary examination?"

"We move for dismissal," Hurley said.

"Very well," Judge Telford ruled. "On the motion of the prosecution the case against Steffanie Malden is dismissed and the defendant released from custody."

The court-room became engulfed in an uproar of sound.

Perry Mason, assisting Mrs. Malden to her feet, pushed his way through the crowd directly towards Judge Telford's chambers.

"May we see you a moment?" Mason asked Judge Telford.

Judge Telford nodded.

Mason and Mrs. Malden followed him into his chambers.

Mason said: "I felt, Your Honour, that if you wished to know the facts in the case, I would explain to you the evidence on which I based my assumption that Dr. Malden was not dead."

Judge Telford shook his head. "I don't want to become biased, Mr. Mason. I have accepted your statement made in court at face value that you had some evidence. However, I

did not base my ruling on that statement. I merely agreed that your objection was well taken. I do not think there is any reason for me to discuss the matter."

"Very well," Mason said. "Thank you, Your Honour, for your attention."

He took Mrs. Malden's elbow and piloted her through the other door leaving Judge Telford's chambers, a door which opened directly on the corridor above the stairway.

"Mr. Mason," she said, "that was a pack of lies. I never had anything to do with that Castella person! He is a rank liar, a perjurer——"

"Shut up and listen," Mason said, rushing Mrs. Malden down the stairs.

"You're to go into the women's rest-room on the third floor. Della Street is waiting in there. She'll give you a suitcase containing the things you'll need for immediate necessities. Pick up that suitcase, go down the stairs to the ground floor, take a taxi to the railway terminal and at the terminal transfer to another cab. Take that to the Biltmore Hotel, transfer at the Biltmore to a cab that will take you to the Dixiewood Apartments. Here's the key to 928-B. Go up there and stay there. Don't go out. Don't let yourself be seen in the elevators. Order any groceries you may need under the name of Mrs. Amboy. Here's a hundred and fifty dollars for your pressing expenses."

"But, Mr. Mason, I don't understand. I don't——"

"There isn't time to explain," Mason said.

"But surely, Mr. Mason, you can't possibly think that my husband is *really* alive."

"I haven't time to discuss it," Mason told her. "Take this envelope, read the instructions carefully, then tear the thing into small pieces and flush it down the toilet. Take your suitcase, go on down and do as I told you, and you haven't very much time. All right, here we are. Now enter the rest-room. Make it snappy!"

Mason stood by the stairs waiting.

A few moments later Della Street, carrying a suitcase and wearing clothes that were almost identical in cut, design and colour with the clothes that were worn by Mrs. Malden, hurried from the rest-room.

"Okay?" she asked.

"Okay at this end," Mason said. "How's it with you?"

"She's dazed but co-operative."

"All right," Mason told her, "let's go."

Della Street and Mason hurried down the stairs to the lower floor, then crossed to the entrance to the building. Mason piloted Della past the information desk and out to the street.

Paul Drake, sitting in a rented automobile in front of a fire-plug, with the motor running, slid out from behind the steering-wheel.

Mason jumped in at the wheel, Della Street jumped in, and Drake slammed the door shut.

Mason eased the car away from the kerb and out into traffic.

Della Street, holding a wide-brimmed hat so that it concealed her face, tilted her head slightly forward.

A newspaper reporter, seeing Mason dashing away from the kerb, yelled: "Hey, Mr. Mason, we want a——"

"Later," Mason shouted back at him, and slid away into traffic.

After some five minutes Della Street settled back in the seat, took off the wide-brimmed hat, scaled it into the back seat and said to Mason: "Now can you tell me what it's all about?"

"You have a suitcase in the trunk compartment?" Mason asked.

She nodded.

"Packed with everything you'll need for quite a stay?"

Again she nodded.

Mason eased the car through a traffic snarl.

"As far as you're concerned, Della, you're doing investigative work. We're looking for Gladys Foss. The last address we had was Salt Lake City, but we don't think she's there."

"Why?"

Mason said: "I have reason to believe she's in Sacramento or Stockton."

"Why?"

Mason said: "Gladys Foss showed up at the Dixiewood Apartments. She picked up stuff to take with her. She had been driving for a long time. She was tired. Along about dark she must have gone through an area where there were lots of mosquitoes. She wouldn't have encountered that many mosquitoes driving in through Las Vegas and across the desert. That's the route she would naturally have taken if she'd been driving from Salt Lake City."

Della Street nodded. "That sounds reasonable."

"Therefore," Mason said, "she'd been driving down the San Joaquin Valley. Now why would she have lied to us about the route she had taken?"

Della Street thought that over. "Probably because she had a hide-out staked out somewhere in the San Joaquin Valley."

"Not in the San Joaquin Valley," Mason said. "Up probably as far as Sacramento or Stockton. I'm choosing Sacramento."

"Go on," Della Street said.

"Whenever we have tried to find out anything about Dr. Malden," Mason said, "we've found that he's a shrewd, dispassionate, calm, reasoning machine—a man with considerable brains and, above all, a man who plans everything down to the last detail."

"You don't think he's dead?" Della Street asked.

"How do I know?" Mason said. "All I know is that there's a defect in the proof. I felt certain that defect must exist. I

felt that the district attorney's office had probably run up against it and had decided to bluff the thing through."

"Do you feel the chances are that he really is alive, or were you bluffing the prosecution?"

"There's a possibility that he's alive," Mason said. "Let's look at what's happened. Gladys Foss is Dr. Malden's sweetheart. Following his supposed death, she did everything to make me believe that she had been embezzling money, then she skipped out. Why would she do that?"

"I'll bite," Della Street said. "Why?"

"Because," Mason said, "it throws a monkey-wrench in the machinery of the income tax investigation. If she had been embezzling money before Dr. Malden ever received it, Dr. Malden's failure to declare that money as a part of his income wouldn't have the same sinister aspects that a shortage of a hundred thousand dollars would otherwise have had."

Again Della Street nodded.

"Now then," Mason said, "Gladys Foss was very careful not to tell me that she actually had been embezzling money. She said: 'Suppose I had been embezzling money?'"

"I don't think Gladys Foss cared enough about Mrs. Malden to have made any such statement merely in order to make things easier for Mrs. Malden. I think what she did was part of a deliberately planned campaign.

"Here's another clue. Gladys Foss was playing the ponies. She was placing bets through Ray Spangler. They were peculiar bets. They were bets that were part of an over-all system. Not only was there some system of handicapping which Spangler couldn't dope out, but which apparently was reasonably successful, but there was an over-all system that was equally deadly. The bookmaker never stood a chance of getting any large amount of her money, but she stood a chance of getting a huge amount of money from a bookmaker."

"But, of course, you have to consider the odds," Della

Street pointed out. "If the odds were right, the bookmaker could afford that."

"That's exactly the point," Mason said. "Twice during the last twelve months she hit the jackpot. The last time was a big winning."

Della Street nodded.

"Now let's consider the human element in the case," Mason said. "Here's an office nurse who is Dr. Malden's right hand. She's also his mistress. She's young. She's good-looking. She's quite emotional. She must be impulsive. How would *she* play the horses? How would she place her bets if she had been embezzling money in order to finance her betting?"

"You mean she wouldn't have been so mathematically deliberate?"

"Exactly," Mason said. "When an employee embezzles money to bet on horses, particularly from an employer who has given her his trust and confidence and a position of responsibility, it's because the employee has been sucked into a vortex of disaster. If Gladys Foss had been forced to embezzle money to play the ponies it would have been because she found herself faced with losses that she couldn't afford, and confronted with what she felt was a sure thing to win enough money to break even. That's always the pattern of gambling embezzlement.

"But instead of winning, she loses. So then she is in a terrible hole. She has already embezzled. She has the feeling that she can, eventually, beat the system. There is only one alternative, and that is to plunge.

"No, Della, the embezzler is, as a general rule, the plunger. Particularly when we're dealing with a woman who is young, good-looking, emotional and impulsive."

Again Della Street nodded.

"But," Mason went on, "there is one master mind in the picture. There is Dr. Summerfield Malden, who wanted very much to get large sums of cash in the form of cash. He wasn't

interested in anything that would come in the form of a cheque, and he wasn't interested in small winnings.

"Dr. Malden was holding out what cash he could from his office practice. Dr. Malden would have welcomed an opportunity to divert small amounts of cash from his business, risking that money in a betting transaction where, if he won, he would receive big winnings in the form of cash."

"But, of course, eventually those winnings would have been traced——"

"Not necessarily," Mason said, "particularly if he was careful to make the bets in the name of his nurse."

"It certainly sounds logical when you look at it that way," Della Street said.

"Moreover," Mason told her, "when I went to call on Gladys Foss, she ushered me into a living-room. There had been some little delay, but she explained that by stating she had been taking a bath. Probably she had, but when I entered the living-room the chair was warm, the evening newspaper with the racing news was lying on the floor right where a person would have dropped it if he had been seated in the chair reading it and had jumped up to hide somewhere when he heard me——"

"You mean that Dr. Malden was there at the house?"

"Why not?" Mason asked. "What better place for him?"

"Then that would explain why Gladys Foss left in such a hurry."

"Exactly," Mason said. "Gladys Foss was smart. After she came back in the room, she realised that I had seated myself in the chair that had been occupied by Dr. Malden up to a few seconds before I arrived. She knew that the chair must be warm. She knew that I would in all probability discover the paper open at the racing news."

"But, good Lord," Della Street said, "would Dr. Malden have deliberately betrayed his friend Darwin Kirby into—why, the thing is so cold-blooded, so inhuman it gives me the

creeps. Think of Dr. Malden suggesting to his close friend, Darwin Kirby, that Kirby pilot his plane to Salt Lake City, knowing that the plane was going to crash."

Mason said: "Don't overlook the fact that Dr. Malden could have been planning to disappear. He could have asked Darwin Kirby to fly his plane to Salt Lake City and the accident could have been purely fortuitous.

"On the other hand, it could have been quite true that Mrs. Malden was in love with Castella, had been engaged in a dope traffic with him so that they could feather their own nest, and that she deliberately drugged the whisky, hoping to get rid of her husband, but because of a last-minute switch her husband didn't pilot his plane, but Darwin Kirby did."

"Darwin Kirby was an aviator?"

"That's right. He was an expert flyer. That's where Dr. Malden met him. He had been injured in a crash and Dr. Malden patched him up."

"But wouldn't it be murder just the same, even if Mrs. Malden picked the wrong victim, or rather if fate picked the wrong victim?"

"Sure," Mason said, "but she was being tried for the murder of Dr. Sumnerfield Malden, no one else."

"Aren't you aiding and abetting a felon?" Della Street asked.

Mason said: "The case against Mrs. Malden was dismissed."

"You manipulated it so that it would be?"

"I felt certain Hurley would walk into the trap and dismiss the case if he thought there was any big defect in proof."

"But he didn't intend to let Mrs. Malden get away?"

"Certainly not. He intended to re-arrest her as soon as we emerged from Judge Telford's chambers."

"And then what?"

"Then probably he'd have taken the case before the grand

jury and had an indictment so he wouldn't have had to bother with a preliminary hearing. He'd have done that in the first place if it hadn't been for the fact that we were going to file a writ of habeas corpus and forced his hand."

"And he waited in the court-room for you to emerge from Judge Telford's chambers?"

"Probably he didn't wait too long," Mason said. "Judge Telford would never have discussed any aspect of the case with me while a potential defendant was present. Judge Telford wouldn't have discussed anything about the case unless a representative of the district attorney's office was present."

"So you knew when you entered Judge Telford's chambers with Mrs. Malden that the judge would refuse to see you."

Mason nodded.

"And you think that thought also occurred to Hurley after a while?"

"After a while," Mason admitted, grinning.

"How long?" Della Street asked.

"I don't know," Mason told her. "We had time enough to get downstairs before Hurley became suspicious, otherwise we wouldn't have made a getaway."

"But you aided a prisoner to escape," Della Street reminded him.

Mason grinned. "She wasn't a prisoner. The case against her was dismissed. Judge Telford specifically stated that the defendant was discharged from custody."

"And what will Hurley do next?"

Mason chuckled. "Unless I miss my guess, Hurley will be so damn mad he'll make another blunder."

"What?"

"He'll try to put me in the position of harbouring a fugitive from justice."

"In what way?"

"He'll either file another complaint against Mrs. Malden

or he'll go before the grand jury and get an indictment. Then he'll publish far and wide that Mrs. Malden is a fugitive from justice and that I am helping to conceal her."

"That would be a crime on your part?"

"Provided I was doing it."

"You won't be doing it?"

"Certainly not."

Mason slowed the car, said: "Better put on your hat again, Della."

Della Street leaned over the back of the seat and picked up the broad-brimmed hat.

Mason said: "I'm going to drive into a parking lot, Della. I'll drop you here in the middle of the block. Take your suitcase and wait for me."

"How long?"

"Only a few minutes. I'll park this car, take a ticket for it and walk out. Then I'll walk a block down the street to another parking lot where I have my own car parked. I'll pick that up, drive back and get you."

She regarded him with a puzzled frown. "They'll find this car in the parking lot?"

"Oh, sure."

"When?"

"At midnight when they close up, perhaps sooner."

"And because of the manner in which we left everyone has the idea that I'm Mrs. Malden and that you rushed me down the stairs and into a rented car so you could keep me concealed?"

"I hope so."

She sighed. "Well, you seem to have gone out of your way to ask for trouble."

"I have."

"What do I do?"

"Go to Sacramento."

"You're going with me?" she asked, a slightly wistful note in her voice.

He shook his head.

She looked away, was silent. Mason stopped the car.

"You'll take my car, Della. Drive to Sacramento. Go to the Bureau of Registration at Sacramento. Take whatever steps are necessary to ingratiate yourself with the persons who are in charge of the transfer registrations. You sit there and watch those registrations like a hawk. Unless I am greatly mistaken, you are going to find that Gladys Foss has sold her automobile to some second-hand car dealer, probably around Ventura, Santa Barbara, Bakersfield, or someplace like that."

Della Street thought that over and said: "Gosh, yes, that would be the proper move. She could sell that automobile, pick up another one and——"

"I doubt if it's as simple as that," Mason said. "I don't think she would pick up another automobile right away."

"What would she do?"

"She'd find some other means of transportation. She's working on a plan. That plan has been carefully worked out."

Della Street nodded.

Mason said: "We can learn a lot from the location of the used car dealer to whom she sells her automobile. She'll be selling it for cash. She'll be a stranger. She'll take pretty much of a beating. She'll have her registration certificate to show that she owns the car. She'll try to make the best deal she can. She'll take what cash she can and get out. As soon as you find out anything let me know."

"I'll keep in touch with Paul Drake. You let Paul know where you're staying."

"And in the meantime?"

"In the meantime," Mason said, "I'm going to be hard to find. By late afternoon the police will really be looking for me."

"On what charge?"

"Aiding and abetting the escape of a prisoner, criminal conspiracy, harbouring a fugitive from justice, and any other things they can think of."

Perry Mason unloaded Della Street, then drove the car into a parking lot, received a numbered parking ticket, left the lot and walked another block to the parking lot where he had previously left his own car.

He surrendered his parking ticket, paid the charges, drove his car down to where Della was waiting.

"Okay, Della, it's all yours," he said.

"I wish you were going with me," she said.

Mason grinned. "I'm afraid if I went with you we might not get very far."

Della Street slid in behind the wheel.

"'Bye now," Mason said, smiling.

She made a face at him. "'Bye," she said, and drove off.

He walked slowly along the street until he found an isolated telephone-booth in a service station.

He called Paul Drake.

"Hello, Paul," he said, "what's cooking?"

"Cooking!" Drake exclaimed. "Everything's burned up! I've got some bad news for you."

"Shoot."

"The body in the plane wasn't that of Darwin Kirby."

"How come?"

"My men have located Mrs. Kirby. She's living in Denver, Colorado.

"We got the name of Kirby's dentist. One of my representatives called on him. We got a chart of Kirby's dental work. It's dated six years ago, but even conceding that it's incomplete as of the present date, there's enough evidence to show that the body in the plane can't be that of Kirby."

"The devil!" Mason exclaimed.

"So," Drake said, "that leaves us right back where we

started, and in all probability, despite certain discrepancies in the dental chart, the body *is* that of Dr. Malden. The dentist who did the work on Dr. Malden says it could be Malden all right *if* Malden had had some extra work done on his teeth the dentist didn't know about. But the body *can't* be that of Kirby."

Mason thought that over, then asked: "What's Mrs. Kirby's address, Paul?"

"The Brownstone Hotel, Denver."

"Under her own name?"

"That's right."

"Have the police been in touch with her?"

"I don't know. I was working fast. They're probably working fast too, Perry."

Mason said: "What about the D.A.'s office?"

"Boy, are they burned up! The D.A.'s tearing his hair, accusing you of unprofessional conduct, harbouring a fugitive from justice and——"

"She isn't a fugitive from justice," Mason said. "She was discharged. The Court directed that she be discharged from custody."

"I know, but Burger claims that it was a sharp trick just the same."

"It may have been a sharp trick," Mason said, "but it wasn't a crime. There's a hell of a difference, Paul."

"Well, it's going to be a crime now. Burger has moved in on the case personally. He's after your scalp, Perry. He's had another complaint filed and a warrant issued charging Mrs. Malden with first-degree murder."

Mason grinned. "He couldn't wait to go before a grand jury."

"That's right. He wants to make her a fugitive from justice so that if you have anything to do with keeping her concealed you'll be guilty of a crime."

"That's just dandy," Mason said. "Della Street's going

to Sacramento, Paul. She'll be in touch with you by telephone."

"Where's Mrs. Malden, Perry? Is she with you?"

Mason laughed. "On the advice of counsel, Paul, I decline to answer on the ground that it might incriminate me."

"You're damned right it might," Drake told him.

## CHAPTER TWELVE

It was ten-thirty Denver time when Perry Mason entered the Brownstone Hotel. He crossed over to a room telephone and asked for Mrs. Kirby.

She answered the telephone almost instantly, as though she had been expecting his call.

"Mrs. Kirby," Mason said, "I'm afraid you don't know me, and I certainly dislike to intrude on you at this hour of the night, but I am an attorney and I would like to talk with you about a matter of some importance."

"Your name, please?"

"Mr. Mason."

"Where are you now, Mr. Mason?"

"In the lobby."

"Would you care to come up?"

"It won't inconvenience you?"

"Not at all."

"Thank you," Mason said. "I'll be right up."

Mrs. Kirby, waiting for Mason at the open door of her room, had an opportunity to size him up as he came striding down the corridor.

"Good evening, Mr. Mason," she said. "I presume your business has reference to my husband's affairs?"

Mason nodded.

"Won't you come in, please?"

She was occupying a suite which had a sumptuously furnished parlour. Indirect lighting made the room appear soft and restful. The comfortable furniture was an invitation to settle down and relax.

"Please be seated, Mr. Mason."

She closed the door and again turned to study her visitor.

She was a woman in the early thirties, with a sharp, narrow nose, eyes that were a pale bluish-green with dark pin-point pupils. Her lips were thin, and while she had touched them with lipstick, she had made no attempt to widen them. The jaw was firm and slightly pointed. Her voice was well modulated, her words made very distinct by a conscious effort which had apparently been carefully acquired.

"Are you a Denver attorney, Mr. Mason?" she asked. "Because if you are I assume that my husband is no longer represented by Mr. Redfield, which comes as quite a surprise to me."

Mason shook his head. "I'm from California."

"Oh," she said, and then was silent, waiting for him to go on.

"I am very much interested in finding out something about your husband's whereabouts," Mason said.

She smiled. "Who isn't?"

"I think perhaps you can give me some clues."

She studied him thoughtfully. "Why are you interested?" she asked.

"Have you heard anything about a friend of your husband's, a Dr. Summerfield Malden?"

She slowly shook her head.

"Dr. Malden was a very close friend of your husband, although I am not certain that they ~~kept~~ in touch with each other."

"I have known virtually nothing about my husband for the last four years," she said, with concentrated hatred in her voice.

Studying her, Mason raised his eyebrows and said sympathetically: "And yet you have remained married to him?"

"Unfortunately I have been forced to."

"I'm afraid I don't understand," Mason murmured, his tone inviting confidences.

She said: "For the past four years all of my contact with my husband has been through his attorney, Mr. Horace L. Redfield, and Mr. Redfield knows every legal trick there is to know. I have been crucified on a cross of legal blackmail, Mr. Mason."

"I'm afraid I don't understand."

She said: "My husband was a reserve flyer. He was called into service, discharged and then called back."

"As a flyer?"

"As a pilot and in an executive capacity. I don't know too much about it. From the time my husband left Denver, from the time I kissed him good-bye at the airport, I never heard one word directly from him."

"Indeed," Mason said sympathetically.

She said: "My husband and I were operating a string of restaurants. After his departure I assumed sole charge and ran the businesses."

"Profitably?" Mason asked, looking around the sumptuous furnishings of the room.

"Very profitably," she said. "However, the deal had ramifications which I didn't fully appreciate at the time."

"Such as?" Mason asked.

"Really," she said, "I don't think I should burden you with my private affairs."

"Of course, of course," Mason hastily assured her. "It was merely that as an attorney I was interested in how a situation such as you have described could possibly arise."

"I see no use going into details. The situation exists."

"I would have said," Mason told her, "that it was legally impossible for you to have been placed in the situation in which you seem to find yourself, but, of course, unless one is familiar with the details——"

"Well," she interrupted indignantly, "what my husband has done to me is something that shouldn't happen to a dog."

He's crucifying me and the law is helping him. I always thought the law was supposed to represent justice."

"Sometimes," Mason said sympathetically, "there are technicalities under which a person can actually thwart the ends of justice."

"Are you telling me!" she exclaimed.

"Apparently," Mason went on, "this happened in your case, but still——" He frowned, looked off into space, shook his head dubiously, then let his voice show just the proper amount of scepticism. "I'm afraid you must have made an erroneous appraisal of the situation somewhere."

"I haven't," she flared, "and I have one of the best attorneys in Denver. He tried to find some way out of the thing, but he tells me that——"

She broke off and seemed debating as to whether she should go on.

"Of course," Mason said, "I'm not a Denver attorney and I'm not familiar with Colorado laws. I merely—oh well, I suppose it's one of those things that can happen."

"It couldn't have happened," she said, "if it weren't for the fact that Paul Winnett was willing to do everything he could to protect my husband. He and Darwin had this thing all hatched up between them. You can't ever make me believe any differently."

"I take it Mr. Winnett is a friend of your husband's?"

She nodded.

"He lives here?"

"Winnett? No, he lives in Illinois. Paul Nolin Winnett," she said bitterly, mouthing each word of his name as though to be sure it was properly coated with oral venom before she spat it out.

"Indeed," Mason sympathised.

She said: "My husband went away to join the armed forces. I was foolish enough to think that he was simply being patriotic. Of course, we'd had our troubles. I guess all

married people have troubles. In our case it was more or less aggravated because Darwin just didn't care for my family."

"Well," Mason agreed, "that does sometimes happen. Of course, you can't blame a man *entirely*, but then . . ." He let his voice trail off into silence.

"Well," she said, "you can blame Darwin in this case because he had met my family before we were married and told me they were delightful. Then—well, he hatched up this deal with Winnett."

"Just from a legal standpoint," Mason said, "I'm rather curious."

"I can tell you this much about it," she said. "I know it will be all right. I'm not supposed to talk about details, but, after all, things are going to be fixed up, and I guess there's no harm in telling you. I can see that you still think I've failed to appreciate my legal rights. I think *you've* probably failed to appreciate the diabolical ingenuity of my husband and his lawyer."

Mason remained attentively silent.

After a moment she went on: "Five years ago my husband told me that his friend Winnett was willing to finance him in the restaurant business, that Winnett had a lot of property here in Denver that could be used for a chain of restaurants."

Mason let his eyes show interest, but remained silent.

"Darwin told me that it would be a fine opportunity for us. He suggested that he have his attorney draw up an agreement—*his* attorney. At the time it never occurred to me that *I* should have an attorney. I naturally assumed that my interests were identical with those of my husband."

Again Mason nodded.

"So," she said, "we drew up this agreement. I understand now it was a most unusual agreement, an agreement of a sort that *I* don't think would ever have been drawn up if my husband hadn't been deliberately planning this thing."

"What was the agreement?" Mason asked. "That is, generally."

"Paul Winnett leased us five sites for restaurants. That is, he agreed to maintain restaurants there and we were to manage them under terms of a lease. It was understood that Mr. Winnett would keep a revolving fund in the bank in Denver, and that we were to draw on that fund for every penny of expenses in connection with the restaurants. Then we were in turn to forward to Mr. Winnett in Illinois every penny of the gross receipts, every single penny."

Mason raised his eyebrows slightly.

"Mr. Winnett would then have his book-keepers balance the accounts, deducting the proper expenditures. The remaining net profits were to be divided into four equal parcels. Mr. Winnett kept two-fourths. My husband could draw on Mr. Winnett for one-fourth, and I could draw on Mr. Winnett for one-fourth.

"The provisions of the lease were such that the interest of the lessors couldn't be assigned either voluntarily or involuntarily. Did you know that a lease of that sort could be made, Mr. Mason—that there couldn't be an involuntary assignment?"

"Yes," Mason said, "that is the law in many states."

"It provided that if we went into bankruptcy or if there was an execution or attachment levied, the lease would be void, that if any of the property became involved in court action of any sort and any of our property interests in the lease became subject to litigation or determination by the court that the lessor, who was, of course, Winnett, had the opportunity and the right to declare the lease forfeit, in which event he would, of course, take over all of the good will of all of the restaurant business we had built up."

"And so?" Mason asked.

"So," she said, "after my husband had me safely hooked,

with a signature on the dotted line, and a lot of provisions in the agreement that I would continue to manage the restaurants during his absence and send the proceeds to Winnett under the terms of the agreement——"

"How about salary?" Mason asked. "Weren't the parties to draw any salary?"

"No. The total compensation was to be that received from Mr. Winnett under the terms of the agreement. Of course, I'm giving you the high lights. It's a long agreement, and, as I understand now to my sorrow, it was very, very carefully drawn."

"Yes, I can begin to see your position," Mason said. "Then your husband vanished?"

"My husband walked out on me. He served with the armed forces. His term expired and I waited for him to come home. He didn't come home. I didn't hear from him. Then my husband's attorney called on me and told me that my husband wanted a divorce and a property settlement. The property settlement that my husband wanted was a complete steal."

"Your husband's attorney was in communication with him?"

"Oh, yes," she said. "Leave it to Mr. Horace L. Redfield."

"And you can't go ahead with a divorce action without——?"

"Oh, I can get a divorce," she said, "for what good *that* would do me. I want to have something to show for the work I've done. Do you realise, Mr. Mason, that I've put in over four years of my life slaving away over these restaurants, working day and night, having all the responsibilities of management, building them up into paying businesses, and that every time I've drawn a dollar my husband has also drawn a dollar? I've been fighting the help, worrying and stewing, preparing menus, writing ads, working until midnight, and——"

"But why do you do that?" Mason asked. "Why don't you simply sit back and take life easy?"

"Because I can't afford to. I'm making money. I'm making good money out of this. I'm making such good money that I don't dare to quit. But the point is my husband is sitting out in some tropical island, in the shade of a palm frond, with some little cutie catering to his every whim, and smiling at the position in which he's left me. Every time I make a dollar he makes a dollar.

"My attorney tells me that under the laws of this state I can't secure any judgment by the way of alimony in an action against my husband unless I can personally serve him with a summons.

"My attorney wants that summons served within the territorial limits of this state, and wants a property settlement."

"And then?" Mason asked.

"Then I can go ahead and get a divorce. I can use the property settlement to make the new agreement with Mr. Winnett."

"And Winnett is willing to make an agreement with you?"

"Oh, I suppose so. He should be. I've made him a lot of money. I seem to have the knack of making money for everyone."

"Including yourself."

"Well, yes, including myself. I suppose that I'm happy with this arrangement as far as my own personal earnings are concerned. What galls me about it is the fact that Darwin has, in effect, had me working for him. It's a beautiful arrangement as far as he's concerned."

"And he hasn't communicated with you?"

"Not directly. Not so much as by the scrape of a pen. Not even a penny postcard. I'm working my head off for him and he's loafing and grinning. I think it's one of the most despicable things I've ever encountered."

"You shouldn't let it embitter you," Mason said.

"Well, it has embittered me, Mr. Mason. I'm afraid more than I know. However, finally I came to the conclusion I was in a legal vice which was squeezing me tighter and tighter, so finally I capitulated."

"You did?"

"Yes."

"You agreed to a settlement?"

"Yes, on his terms."

"And I take it you're going ahead with a divorce?"

"I'll say I'm going ahead with a divorce!"

"And, as suggested by your attorney, you're making a service of summons within the territorial limits of the State of Colorado?"

"That's right. I agreed to make the property settlement according to my husband's terms, but as a part of that property settlement he had to agree to come to Colorado so that he could be served with summons right here in this state. That's why I thought your visit had something to do with the property settlement. I thought perhaps that you were also representing my husband."

Mason shook his head. "I want to ask your husband some questions concerning the death of Dr. Summerfield Malden."

"I've never heard of Dr. Malden."

"He is supposed to have died in an aeroplane accident."

She frowned thoughtfully. "Who was supposed to have died?"

"Dr. Malden."

She said, with sudden hope in her voice: "Is there any chance it was Darwin who died?"

"I don't know," Mason said.

"Detectives telephoned this afternoon, and, later on, the police. I gave them the address of Darwin's dentist. I didn't know why they wanted it. It must have been to compare teeth. If only he had died--no, I mustn't talk like that. This whole thing has embittered me. I realise it has embittered

me more than I knew for a while, and that's one of the reasons I decided to surrender and get the whole thing cleaned up, then I can dismiss it from my mind."

"When is he to be served with summons?" Mason asked.

"Tonight. It's all been arranged. I've signed the agreement and placed it in the hands of my attorney. My attorney felt that under the circumstances an agreement wouldn't fully protect me unless the agreement itself was incorporated in the judgment of divorce, and in order to make that judgment good as far as the alimony provisions are concerned, service must be made upon my husband within the limits of the State of Colorado."

"And what about Winnett?"

"Winnett will be willing to deal with me, provided I have first made a satisfactory settlement with my husband so that Winnett will know Darwin is satisfied."

"You couldn't subject your husband's property to a judgment here?" Mason asked.

"What property? He hasn't any property. He has a leasehold interest. If I try to bring that into court the lease is terminated. My rights are terminated together with his. He doesn't have any money distributed to him in the State of Colorado. Every cent that is taken in from the restaurant belongs to Winnett until Winnett makes a division of the money in Illinois. My attorney tells me I can't follow that money into Illinois on a judgment that I secure in this state unless there has been a personal service of summons. Even then it wouldn't do any good because Winnett claims that my husband keeps talking him into advancing large sums of money so that there's never anything actually due Darwin."

"That sounds to me suspiciously like collusion," Mason said.

"Of course it's collusion. But how are you going to prove it? And what good would it do if you did? In order to prove it you'd have to bring suit. In order to bring suit you'd have

to get a service of summons. My attorney tells me that on matters that are *in rem* as he calls it, you can get a service by publication, but that when you try to get into personal matters you have to have a personal service."

Mason said: "Quite evidently you don't have any kindly feelings towards your husband."

"Kindly feelings!" she exclaimed with rising wrath. "I hate the ground he walks on. He's taken not only the best years of my life—no, I'm not going to say that, Mr. Mason. That's a cliché. Anyway, I think a woman goes into matrimony with her eyes open. But what annoys me more than anything else is the fact that he has kept me here in a position of legal slavery for a period of four years. I've been working for him without drawing any salary. My status has been such that I couldn't divorce him and remarry, and, in the event he caught me in even the slightest indiscretion he would, of course, have used that to contest any divorce action I might have filed, or perhaps try and strip me of my just share of the property.

"From his share of the money that I earned for him he paid a firm of private detectives to keep me under surveillance. Technically I was his wife. If I'd so much as let a man kiss me he'd have saved up that incident as evidence.

"I understand he had become enamoured of existence on some tropical island—fish, poi, acquiescent maidens, a life of luxurious ease. He 'renounced civilisation' with all of its cares and worries.

"He damn well could afford to. I was here working like a dog, living like a nun. He was getting all the benefits of my work."

Mason said: "I'd like to ask your husband some questions."

"Is he involved in anything?"

"I don't know."

"Well," she said, "it wouldn't do me any good one way or another. I had to sign an agreement which provides that

from the very moment my husband sets foot within the State of Colorado, such action will be deemed to be an acceptance of 'my offer of settlement'. Can you imagine that? I have to settle on his terms, and then they draw up the agreement so it appears that *I* am the one who's anxious to make the settlement. Oh, they've put every legal fence around him that they possibly could. How I do wish he could conveniently get himself killed—before he enters the State of Colorado."

"Perhaps he's here now."

"I suppose so. I don't know."

"The situation has, of course, embittered you," Mason said, "and I can't say that I blame you."

"Naturally that situation has made me bitter, and I suppose that bitterness has left an indelible stamp on my character."

"How are the papers going to be served?" Mason asked.

"My attorney is going to meet Mr. Redfield at midnight. A deputy sheriff will be with him. Mr. Redfield has agreed to conduct the party to a place where Darwin will be waiting."

Mason said: "If you have no legal or moral obligation to make things easy for your husband, Mrs. Kirby, why not instruct your attorney to let me follow along, and when the papers are served on your husband I can then question him."

She shook her head. "You might mess things up. He might not like it. I don't dare do anything to rock the boat."

"I could wait until after the agreement had been signed and the papers served."

"What do you want to question him about?"

"About a murder."

Her eyes lit. "Where did it happen?" she asked.

"In California."

"Do you think my husband may have had something to do with it?"

"I can only say this," Mason said, "that I desire to question

him about the death of his close friend, Dr. Summerfield Malden, and the authorities in California have come to the conclusion that Dr. Malden was murdered.

"I don't want to make any statements that I cannot substantiate, Mrs. Kirby. Of course, you will appreciate my position in that respect, but I will say this, according to all of the evidence that has so far been legally available, your husband was the last person to see Dr. Malden alive—if, of course, Dr. Malden is dead, and the California authorities insist that he is."

With the quick, almost feline motion of a woman who makes up her mind and puts her decisions into instant execution, Mrs. Kirby picked up the telephone and said to the switchboard operator: "Get me Ed Duarte, will you please? He's in his office. Tell him who's calling."

A moment later, when she had her attorney on the phone, she said: "Ed, this is Millicent Kirby. An attorney from California is here, a Mr. Mason. He wants to go along tonight. He wants to question Darwin about a murder. . . . You don't? . . . He says he wouldn't interfere . . . I see. . . . Oh well, you're the boss."

She hung up the telephone, turned to Mason, said: "I'm sorry. My attorney says there's nothing doing. He says not even to talk with you. He says he knows all about this and that it's dynamite."

"I'm sorry, Mr. Mason, I'm not to talk with you. I'll have to ask you to leave."

She strode over and held the door open.

"Oh, it can't be as bad as that," Mason protested, smiling.

Her lips were a firm thin line of silence. She merely motioned him to leave.

## CHAPTER THIRTEEN

SHORTLY before midnight two automobiles pulled away from the office building in which Edward Duarte had his law offices.

Perry Mason, seated in a taxi-cab parked at the entrance to an alleyway, leaned forward to give the driver instructions.

"Keep behind those two cars," he said. "Not too close, but remain close enough so you can see where they're going."

The driver nodded, shifted gears, and sent the taxi-cab gliding away from the kerb. With swift, professional competence he moved through the late traffic, following the two cars ahead of him.

"If you're stopped by a traffic signal," Mason told him, "don't let those other cars get away. Beat the signal and we'll take the ticket and pay the fine, but I want to keep those cars in sight. When we come to a signal that you think may turn against us, close up the distance so that you're right behind them."

"Okay," the driver said, "you're the boss," and stepped on the gas.

"There's a traffic signal at the boulevard ahead," he said. "The others are off this time of night, but that one——"

"Then close the distance," Mason told him.

The taxi-cab speeded forward, gained on the cars ahead until it was but a few feet behind when the cars went through the signal just as it was changing.

"Now drop behind," Mason instructed. "Give them enough distance so we won't attract attention until you approach another traffic signal, then move up and cut down the distance again."

The cars ahead turned left into a through boulevard and the taxi driver was forced to speed up in order to close in behind the other car.

"Don't let them get away," Mason instructed.

"There's a governor on this thing," the cab driver complained. "I may have some trouble if they're headed for the country."

"Give it everything you have," Mason told him.

"I'll do the best I can."

"You didn't tell me there was a governor on this when I hired you for a trailing job."

"I didn't know they were headed out for the country."

"Well, there's no use arguing about it now. Do the best you can."

The cab made a bad third as the procession swept on along the boulevard. Slowly the two cars ahead drew away from the protesting cab.

Then abruptly the brake lights of the cars ahead flared into red brilliance as they slowed and turned to the right.

"Put your lights on dim," Mason instructed the cab driver.

The cabby complied with Mason's order, turned the car to the right just in time to see the two cars ahead of them making a turn to the left.

The cab driver speeded up his car, swung wide, made the left-hand turn and then applied the brakes as he saw the two cars parked at the kerb about a block ahead.

"Pull in," Mason warned. "Cut your lights."

They parked a half-block behind the other cars. They saw men get out and enter a brick residence building.

The driver said to Mason: "Say, boss, are you sure *we* aren't wearing a tail?"

"Why?" Mason asked.

"A car without lights pulled in about half a block behind us," the cab driver said. "No one got out. I was watching in

the rear-view mirror. I'd been too busy to watch while I was driving."

Mason glanced back through the rear window of the cab. He could see the dark outlines of the car the driver had referred to.

"Nothing we can do now," he said. "It's probably all right. We'll have to take a chance. All right, driver, wait here."

Mason got out of the cab, reconnoitred briefly, then hurried down to the place where the two cars were parked and ran up the stone steps of the brick house.

The front door was unlocked. The knob yielded to Mason's touch. He could hear voices coming from the interior. The lawyer eased his way into a hallway, and walked down it towards a lighted room.

As Mason paused by the doorway of that room he heard a voice say: "Mr. Darwin Kirby, I hand you herewith copy of a complaint and summons in the case of Kirby versus Kirby."

Mason slipped back down the hallway, opened the door of a closet, stepped inside.

He could hear voices in an orderly hum of conversation. Once or twice the voices were slightly raised as though there had been some minor dispute. Then abruptly the voices terminated. There were no sounds of farewell, only the sound of feet in the corridor.

The outer door banged shut. After a moment Mason could hear the noise made by a single car driving away.

Two men were talking in the lighted room. One man was giving the other instructions in a low monotone, then there were quick good nights and steps in the corridor as someone walked past the closet door.

Mason opened the door after the steps had passed and saw a tall man carrying a brief-case open the front door and go out.

Again Mason waited until he had heard the sounds of a

car driving away, then he stepped out of the closet, walked down the corridor and pushed open the door of the lighted room.

A thin man with finely-chiselled features sat at a dining-room table holding a legal document in front of him, a document of several pages in length backed with the heavy blue paper so characteristic of law offices. A shock of dark, wavy hair surmounted a high, intellectual forehead. There was a faintly sardonic smile lurking about the corners of a well-shaped mouth. The man was wearing no glasses, and the hand that held the document in long, thin fingers was steady.

Mason entered the room. "Good evening, Mr. Kirby," he said.

The man swung into instant action, pushing back his chair, dropping the papers.

"Take it easy," Mason cautioned, and, moving up to the table, sat down.

"Who are *you* and what do *you* want?" Kirby asked.

Mason said: "I'm Perry Mason. I'm an attorney. I happen to be representing Steffanie Malden who is charged with the murder of her husband, Dr. Summerfield Malden."

"Murder!" Kirby exclaimed.

"That's right," Mason said, "and I think you can tell me what happened."

There was a moment's silence. Evidently Kirby was turning over certain matters in his own mind.

Mason said: "You had a reservation on a plane from Los Angeles to Salt Lake City."

Kirby nodded.

"Why didn't you use that reservation?"

"I changed my plans at the last minute."

"Then why didn't you notify the plane company and get a refund on your ticket?"

Kirby smiled. "That's a double question, Mr. Mason. As to why I didn't notify the plane company, I didn't have an

opportunity until after the plane had taken off. I knew then that it wouldn't do any good. As to why I didn't claim a refund, my ticket had been purchased all the way through. There wasn't much chance of getting a refund on a short leg of the journey, particularly when I intended to use the ticket from Salt Lake City on, and after I'd failed to notify the company that I wasn't taking the plane I wouldn't have tried it anyway."

"How did you go to Salt Lake City?" Mason asked.

Kirby hesitated. He placed his left hand flat on the table, holding down the documents which he had been reading. "Before I answer that question, Mr. Mason, I want to know a little more about you. I want to know how you found me. I want to know how you got in the house."

"I walked in. The front door was unlocked."

Kirby nodded. "I left it unlocked so the process server could get in. What's your interest in the case?"

"I've told you. I'm representing Mrs. Malden."

"How does it happen they've charged her with murder?"

Mason said: "You're stalling for time."

"Well, what's wrong with that?"

"I don't know how much time we have."

"How did you know I was here?"

"I knew that papers were to be served on you and I followed the process server."

"I presume that means you've talked with my wife?"

"Yes."

"And you have come to the conclusion that I'm a complete heel?"

Mason smiled. "I haven't heard your side of it."

Kirby said: "I want to get one thing straight with you, Mr. Mason. I did the only thing that it was possible for me to do under the circumstances."

Mason said nothing.

"My wife was a good kid," Kirby went on. "Then my in-

laws moved in. They started making little remarks pointing out things I did that were wrong. Finally there was a steady trickle of criticism which grew into a stream, and that steady stream began to have a devastating effect. It eroded gullies in our married happiness.

"I was licked. I knew I was licked. There was nothing I could do. I was a pilot and a good one. I found there was an opening for me in the armed services. I decided to volunteer. First I wanted to be sure my wife would have an opportunity to get along. A friend of mine gave us a chance to get in the restaurant business. I stayed with the business until I was sure my wife could make enough out of it to support herself provided she kept busy.

"I knew that what she needed was to keep busy, to get involved in some kind of a business operation where her time would be fully occupied. I'd be away so that my in-laws couldn't make capital out of sitting around and knocking me.

"Things worked out the way I had hoped. My wife kept busy. She's a good business-woman. She built up the business we had started before I left. She made more than a living. She's doing really well.

"At first I hadn't intended to go so far as to ask for a divorce. I did intend to maintain complete silence. I thought if I didn't write to her she'd realise how I felt, begin to look around for the cause and gradually awaken to a realisation of what I'd had to put up with with my in-laws. Then I began to realise how calm and peaceful it was to live my own life where I wasn't accountable to anyone. I saw a lot of the South Pacific while I was on duty. When I was discharged I just settled down on one of the islands. I'm living a simple life. I can catch enough fish to supplement a diet of avocados, mangoes, bread-fruit and bananas. There's no necessity for all of the nerve strain that goes with conventional life here in the States. When I want to read a book, I read a book. When I want to sleep, I sleep. When I want to swim, I go

swimming. When I want to lie in the sun I do that, and when I want to just loaf in the shade and do nothing, the shade is there and I'm there.

"That's a thousand times better than dashing around in streetcars and taxi-cabs, consulting a wrist-watch every few minutes to see if I'm on schedule for an appointment, putting through a lot of telephone calls, having to argue with labour, inhaling a lot of carbon monoxide, and having my wife's relatives look down on me with supercilious superiority."

Mason said: "I gathered you were doing all right financially."

"Sure I was. I made the agreement that way so that my wife couldn't take *all* of the profits and turn them over to her family. I have a brother-in-law who's a slick salesman when it comes to getting money out of women. That was my idea at first, simply to protect my wife. Afterwards, when I saw that the restaurants were really getting built up, I decided that was my way of protecting myself. After all, Mr. Mason, she may have run the restaurants, but *I'm* the one who picked out the sites, got Winnett to buy them, sold him on the idea, and——"

The sound of a doorbell made noise in the house. A moment later there was the banging of peremptory knuckles on the front door, and then Mason could hear the door open and feet in the hallway.

Kirby jumped up, stepped back from the chair, his eyes blazing at Mason.

"What kind of a double-cross is this?" he asked. "What do you think you——?"

The door of the dining-room was kicked open so that it hit the wall and rebounded to vibrate on its hinges.

Mason saw Hamilton Burger, another man whom he didn't recognise, and two uniformed Denver policemen push their way into the room.

"Well, well, well," Burger said. "This is indeed interesting Mason! So you *finally* led us to the man we wanted."

Burger turned to Kirby.

"You're Darwin Kirby, and you were recently visiting at the home of Dr. Summerfield Malden?"

"Who the hell are you?" Kirby flared.

Hamilton Burger, with ponderous good nature, advanced, taking a note-case from his pocket as he did so.

Kirby backed away slightly.

One of the uniformed officers said: "Get smart, Kirby. Keep both hands in sight!"

Hamilton Burger triumphantly held his wallet open in front of Kirby's eyes. "You can take a look at those credentials and you'll know who I am," he said. "Now, how much was Mason going to pay you to skip out of the country?"

Kirby, his face white, glared at Mason and said: "I don't think I like this."

"Nobody asked you whether you liked it or not," Burger said. "The main thing is you're Darwin Kirby and you're alive. You don't deny that, do you?"

"I don't deny that I'm alive."

"And you're Darwin Kirby?"

Kirby nodded.

"Who owns this house"

"A friend of mine. It was turned over to me for a few days for a very special purpose."

Hamilton Burger turned to Mason, said with something of a sneer: "We don't need to detain *you* longer, Counsellor, although it may interest you to know that thanks to the retentive memory and keen eyesight of Mrs. Harry Colebrook we learned that you and Steffanie Malden had been at the Dixiewood Apartments together immediately after Dr. Malden's death.

"I've been in touch with my office by long-distance tele-

phone and we located the hide-out apartment in the Dixie-wood that Mrs. Malden maintained under the name of Amboy. We also located the wall safe, and you and your client can answer a few questions that will be asked by the income tax department, but you don't need to stick around here. In fact, we don't want you."

"Mrs. Colebrook said she saw Mrs. Malden with *me* in the Dixiewood Apartments?" Mason asked.

"That's right. She passed you and started to speak. She knew that she had seen you before. Then she realised who you were and that she hadn't met you. She noticed that you had a woman with you. She's now identified that woman as Steffanie Malden. For your information, Mrs. Malden has again been taken into custody and you can again try your shenanigans in court. And this time you'll be up against me personally, Mr. Mason.

"Now don't let me detain you. You have a cab waiting outside. Just get in it and be on your way. In fact, you'd better get back to your office. You have a client who's in very, very serious trouble, a client, incidentally, who has told the police that you're holding a hundred thousand dollars of her money which you took from a safe in the apartment there at the Dixiewood. The income tax people are very much interested in that, very much, Mr. Mason, and I think a committee of the Bar Association will also have a few questions to ask.

"Now then, you've been cutting corners long enough, You've always managed to wriggle out of any trap that you've walked into. I'm going to be very, very much interested, Mr. Mason, in seeing you wriggle out of this one.

"Right at the moment you're in a foreign state. I don't have a warrant for your arrest, and you could probably beat extradition anyway. Officially I don't care to order these men to pick you up, although it would give me great personal satisfaction to do so. But if you aren't back at your office

within forty-eight hours I will see to it that a California warrant is issued for your arrest."

Mason said: "Your witness, Mrs. Colebrook, is crazy. She didn't see Mrs. Malden with me——"

"I know, I know," Burger interrupted. "She may be crazy, but she's a damn good witness and she's already made a positive identification. Now suppose you get out of here, Mason, and let me talk with Kirby."

Burger motioned to the two uniformed officers. One of them closed in, took Mason by the arm and said: "On your way, buddy. You're going out. There's a taxi driver outside waiting to collect his fare."

He moved Mason towards the door.

## CHAPTER FOURTEEN

SUNRISE found the plane on which Mason was a passenger skimming over the last of the desert. Snow capped mountains loomed ahead. Far off over the left wing-tip could be seen the stretch of fertile desert where succulent dates had brought wealth and prosperity, where the desert climate, filled with golden sunshine in the winter, had mushroomed dozens of cities into existence. Farther off, over the tip of the left wing was the more barren desert, the Salton Sea, that vast inland body of water with its surface more than two hundred feet below sea-level, gleaming blue in the clear morning.

Mason sat motionless, his eyes oblivious of the swiftly moving panorama, his mind lost in contemplation of a problem the full extent of which he was at the moment unable to determine.

The plane swept into a patch of bumpy air over a series of rounded hills. There was a brief period of transition and then, almost as sharply as though cut off with a knife, the desert terminated and the plane was flying over fertile orange groves and a chequer-board of cities. It began to lose altitude and the orange groves gave way to the gleaming white houses of a closely built-up suburban section which finally merged into communities nestled shoulder to shoulder.

The plane glided downward. The wing flaps came down. The plane banked, circled, taxied up to the terminal.

Mason joined the stream of passengers which crossed to the ramp and up to the main concourse of the terminal.

Paul Drake slipped his arm through Mason's. "Tired?" he asked.

Mason nodded.

"So am I," Drake said.

"How did they follow me?" Mason asked.

"Burger had a tip. You were picked up at the Denver airport. They followed you right on through."

"How did Burger get there?"

"Special plane. He's been phoning in a lot of releases for the press. He's basking in the light of favourable publicity and an aura of utter infallibility."

"What about Mrs. Colebrook?" Mason asked.

"It's an absolute identification, Perry."

"You're certain?"

"Positive. She told her story to her husband. He contacted Homicide. They got the manager-of the apartment house on the grid and smoked out this Amboy apartment. Mrs. Malden was in it.

"The cops pulled a smart stunt and told her that you had betrayed the location of her hide-out. She flew off the handle and spilled stuff about you having a hundred thousand dollars of her money that you'd taken from the safe in the apartment.

"Mrs. Colebrook was having a field-day. She identified Mrs. Malden as being the woman who was with you. Naturally the income tax people got on the job right away."

"Has Burger released anything about Darwin Kirby's story?" Mason asked.

"Not Burger," Drake told him. "He's sewed Kirby up tight. He's sitting on top of the world. No one on earth but Burger knows Kirby's story, but it seems to satisfy Burger all right. He's getting ready to throw the book at you."

"You're not telling me anything," Mason said.

"How vulnerable are you, Perry?"

"It depends," Mason said. "It depends a lot on the witnesses and what can be done on cross-examination. Look at that Colebrook woman. She saw me in that apartment

house. Della Street was with me. Now Mrs. Colebrook has made a positive identification that the woman she saw with me was Mrs. Malden.

"You can understand how things like that happen, Paul. There's only a superficial resemblance between Steffanie Malden and Della Street. Mrs. Colebrook was looking at me. She may have kidded herself into believing she paid some attention to the woman who was with me, but she didn't—not at that time. Later on she became intensely curious. Right at the moment she was startled into thinking that I was someone she knew but couldn't place. Then after a moment she realised who I was. It wasn't until after that that she began to wonder about the woman with me."

"Well, she sure as hell has made a positive identification now," Drake said, "and you're never going to change her."

Mason said bitterly: "Identification evidence is given the greatest weight in a court, and it's likely to be the poorest evidence. The person who is really trying to be fair says: 'I think that was the person whom I saw.' They riddle him with cross-examination and ridicule. Jurors dismiss his testimony. He's apt to be telling the truth."

"The person who isn't trying to be fair wants to make an impression on the witness stand. He becomes partisan, biased, positive, and won't admit to any doubt. Jurors believe him."

Drake said: "My car's over here."

"So Mrs. Malden talked," Mason said.

"Quite a bit. She was all worked up about that safe in the apartment. She kept telling them about how you had taken out the money and why you simply *had* to defend her, and then—well, I guess it finally dawned on her that she was making an ass of herself."

"How much had she talked before that dawned on her?"

"Quite a lot. I don't know what she said, but I do know that they had a stenographer in there and also a tape-recorder taking down her conversation."

"Burger isn't going before the grand jury?" Mason asked.

Drake shook his head. "He can't now. He filed another complaint and he doesn't dare to dismiss it, not after that prior dismissal. You'll have another chance at a preliminary examination, Perry."

Mason said: "All right, Paul. Here's something I want you to do. Get a subpoena issued. Cover Burger's plane when he gets back. He'll have Darwin Kirby with him. He won't be intending to use Kirby's testimony unless he has to."

"Do you think you can force him to do so?"

Mason said: "I'm going to do better than that. I want to subpoena Darwin Kirby as *our* witness the minute he gets off the plane with Burger."

Drake shook his head. "We couldn't even get near the guy, Perry. Burger will have a cordon of cops ready to give anyone the bum's rush who tries to get within a mile of Kirby."

"One of your operatives does photographic work, Paul. Have that fellow move in and be taking flashlights right along with the others. Let him move right in and slap a service on Darwin Kirby."

"As your witness?"

"As my witness."

"You don't dare to call him as your witness, Perry. You'll be bound by his testimony."

"What difference does it make? In a preliminary hearing of this sort the judge will bind Mrs. Malden over now no matter what happens. I call Kirby as my witness and I'll force him to tell as much of his story as pertains to the case—at least I'll try to."

"They're sure trying to give you the heave-ho over this one," Drake said.

"Let them try," Mason said grimly. "I may have something to say about that myself. One thing's certain, the defendant has certain rights as to a prompt examination before a com-

mitting magistrate, and I sure intend to see that she gets them."

Drake was silent for a moment, then said: "Perry, tell me something."

"What?"

"Did you really get a hundred grand out of that apartment?"

Mason turned on him impatiently.

"Don't get sore," Drake said. "Mrs. Malden told one hell of a convincing story, that's all."

"And you fell for it?" Mason asked.

"I—okay," Drake said, waving his hand in a gesture of dismissal. "Skip it."

"When's Hamilton Burger coming back with Darwin Kirby?" Mason asked. "Does anyone have any information?"

"Not definite," Drake said. "Burger is getting a statement there in Denver."

"What you really mean," Mason said, "is that Burger is staying over because the difference in time kept him from making the morning newspapers. He'll send in a bunch of publicity and then come home by plane with flash-bulbs blazing and newspaper reporters seeking interviews."

Drake grinned. "Well, do you blame him?"

Mason said: "Hell, no. We're going to steal that show, Paul."

"With that subpoena?"

Mason nodded. "I'm going to have Jackson go into court first thing this morning and demand that the earliest possible date be set for a preliminary hearing, then we'll have subpoenas issued and sit back and see what happens."

"Burger will have a fit," Drake said.

"Let him," Mason grinned. "He'll have released most of the story from Denver. The only thing that the newspapers here can hope to get is a rehash together with pictures. There-

fore, if something new turns up, the boys will grab for it and play it up in headlines."

"And you're planning to see that something new turns up?" Drake asked.

"Exactly," Mason told him.

## CHAPTER FIFTEEN

AT ten o'clock in the morning Della Street phoned Mason.

"Hello, Chief, I think I have a lead."

"You're in Sacramento?"

"Yes. I arranged to get some special attention at the Registration Bureau."

"What did you find out?"

"Gladys Foss sold her automobile to a second-hand dealer in Ventura."

"Anything else?"

"That same day a new car was sold from a Santa Barbara agency to a Gladys Amboy who lives here in Sacramento."

"The devil!" Mason exclaimed.

"So," she said, "I looked up the driving licences to see if Gladys Amboy had a licence. She has one. It was issued to her about eighteen months ago. The address given in the driving licence was 928-B, Dixiewood Apartments."

"Oh-oh!" Mason said.

"I checked the thumb-print with the thumb-print of Gladys Foss on her driving licence. There's no question but what it's the same girl."

"Then what?" Mason asked.

"I relayed the information on to Paul Drake's representative here, and he made a hasty check, and finds that Gladys Amboy has been living at the address given for about six months."

"The Sacramento address?"

"That's right."

"Living there continuously?"

"So it seems. That's the thing I can't understand."

Mason said: "Let me think that over. It has to be wrong. She couldn't have been living there. She's been in Dr. Malden's office."

"Nevertheless, she's here and has been living here."

"Hang it," Mason said, "she couldn't have been two places at the same time."

"Well, she was."

Mason said: "Okay, Della, I'll get in touch with Paul Drake. I want to put a tail on her. This time I want one that she can't shake, but I want it to be done so cleverly she doesn't know she's under surveillance."

Mason hung up the telephone, communicated with Paul Drake, started an investigation, and by afternoon had a raft of information, most of which was contradictory.

Gladys Amboy had a residence in Sacramento. Her husband, Charles Amboy, was a mining man, who was away for long periods of time, but Gladys Amboy had a job 'somewhere'. The neighbours didn't seem exactly certain just where it was. Her earnings served to grub-stake her husband in his prospecting ventures. Occasionally Mrs. Amboy would leave in her car to join her husband, and be gone for a few days at a time, but most of the time she would be at home by nine o'clock every evening.

Neighbours explained her hours because she had to work late at an office, preferred to eat at restaurants rather than come home, cook and then wash dishes. She was up early every morning making her own breakfast, and then driving to work. No one knew the nature of her employment, but it was a highly responsible executive position that made exacting demands upon her time. She always prided herself upon being first at the office and the last one home.

Mason digested the information, took an afternoon plane for Sacramento and arrived in time to join Della Street for dinner.

"What do you make of it, Chief?" Della asked.

"Nothing yet," Mason said.

"But it's an impossibility. She couldn't have been here and working for Dr. Malden at the same time."

Mason said: "I have an idea. I want to take a look at her."

"Well," Della Street said, "there's no question about the thumb-prints. I took a magnifying-glass and examined them carefully. I'm no fingerprint expert, but even I can find any number of identical points."

Mason said: "There's a through plane scheduled to arrive at seven-thirty, Della. I think we'd better have a talk with the stewardess on that plane."

"You mean she commutes?"

"How else would she get here?"

Della Street thought that over. "Well, of course," she admitted, "the way things stand now, Gladys Foss apparently was in two places at the same time. That obviously isn't possible."

"So?" Mason said, and grinned.

"Well, of course, it *could* be," Della Street admitted.

Mason drove to the airport, met the hostess on the incoming seven-thirty plane.

"I'm interested," Mason said, "in a passenger who travelled with you quite frequently and then quit travelling."

"Gladys Amboy?" the hostess asked quickly. "What's the matter with her? We've been wondering about her. She isn't sick, is she?"

"She may be," Mason said. "She's about twenty-seven, brunette, with very large dark eyes, about five feet two, weighing a hundred and twelve pounds."

"That's the one. She commuted with us almost regularly. And she left every morning on the seven o'clock plane. Her husband was killed in an aeroplane accident. He was flying a private plane and the plane crashed. They were getting things all fixed up to go on a second honeymoon. He'd made a pile of money and they were planning a trip to Europe.

Then out of a clear sky came this aeroplane accident and Mrs. Amboy was all broken up. She——"

"She's ridden with you since her husband's death?" Mason interrupted.

"No, but one of the hostesses on this run met her when she was going from Phoenix to Salt Lake City. Mrs. Amboy told her all about it. She was half-crazy with grief."

"You haven't seen Mrs. Amboy since?"

The stewardess shook her head.

"Thanks," Mason said, "that seems to tie in. I was just checking up."

"What's the matter? She isn't in any trouble, is she?"

"Oh, heavens, no," Mason said, "it's merely a question of the insurance. The company wanted to have a check-up before the claim was paid."

"Oh, I see. Well, she's a very nice girl. Quiet, refined and minds her own business. But what she wants to commute up and down the state for is more than I know."

"I don't suppose you ever asked her."

"The company employs us to serve the passengers, not to question them. Of course, we gave her a few conversational leads, but she didn't follow them up, so we didn't."

"Thanks," Mason said, "I guess that's all the information the company will need."

"You mean you're going to pay the claim?"

"Oh, sure."

"Well, I'm glad of that because Mrs. Amboy certainly is a nice woman. She's entitled to every consideration, if you ask me."

"That's the idea," Mason said, grinning. "I'm asking you."

"Well, I've told you."

"Thanks," Mason told her, and motioned to Della Street.

"What in the world," Della Street exclaimed, "is this all about? It keeps developing into such a series of bizarre

situations that the whole thing seems like a cross section of a crazy quilt."

Mason grinned. "I think now," he said, "we're getting ready to try to bring out the truth."

"How?"

"Perhaps by cross-examination."

"But, Chief," Della Street said, "suppose Mrs. Malden wanted to kill her husband. Suppose she gave him drugged liquor, that she hoped he would drink while he was flying the plane."

"Go on," Mason said, "you're doing fine."

"And suppose some other person got into that plane, some person who was perhaps a stranger, and that person drank the drugged liquor and died—what would be the legal situation?"

"As far as Mrs. Malden is concerned?"

"Yes."

"She'd be guilty of first-degree murder."

"Despite the fact that she might not have even known the person who drank the drugged liquor and crashed in the aeroplane?"

"Exactly. The law would transfer the malice from her intended victim to the actual victim."

"Then I don't see what you have to gain by all of this—even suppose Dr. Malden *is* alive. Then what?"

"Then," Mason said, "perhaps we could prove Dr. Malden was the murderer."

"What do you mean?"

"Everything we can learn about Dr. Malden indicates that he's a cold-blooded, careful thinker, a shrewd planner, a man who figures things with mathematical precision."

"Well?"

"Has it ever occurred to you," Mason said, "that the authorities found an identifying substance that they referred to as Code Number 68249 in the flask of liquor? It's their

theory that Mrs. Malden had access to Dr. Malden's narcotics and put morphine in the whisky which had evidently been consumed by whoever was piloting the plane that was wrecked en route to Salt Lake City. It's a nice theory. They overlook one point. There was one other person who had even easier access to those narcotics than Mrs. Malden."

"Dr. Malden?"

Mason nodded.

"The dead man?"

"Dr. Malden," Mason said, "is a shrewd planner. If he was going to pretend to be dead, take what money he could and run away with Gladys Foss, he would naturally need corpse."

"Oh-oh!" Della Street exclaimed. "Now I get it."

"And," Mason said, "Dr. Malden had a physician's outlook on life. He regarded life and death in perhaps a slightly more casual and calloused manner than the average individual."

"Good Lord," Della Street said, "do you realise that you're now in the position of trying to prove the corpse committed the murder?"

"The one that Hamilton Burger is going to claim was the corpse," Mason said, and grinned.

"Would *that* be a sensation!" Della Street exclaimed.

"Can you imagine anything that would prove more dramatic in a court-room or more irritating to Hamilton Burger?" Mason asked.

She shook her head. "But can you prove it?"

"We can try," Mason said.

"But, Chief, don't you think that Dr. Malden actually did die? Don't you think that something went wrong and—remember what the hostess said about Gladys Foss being completely upset and all broken up."

Mason grinned. "I'll advance my theory," he said, "and we'll let Hamilton Burger make the explanations."

"Chief, if he has to dismiss the case against Mrs. Malden

again, it would—well, it would make him a laughing-stock and——”

“And he’d never dare to prosecute her after that,” Mason said.

Della Street nodded.

“Well,” Mason told her, “what are we waiting here for? We’ve got a long plane ride ahead of us, Della. Let’s go.”

## CHAPTER SIXTEEN

POLICE guarded Gate Eleven at the airport, permitting only those who had police or press credentials to go through and meet the big four-motored plane which was scheduled to arrive in two minutes at the airport.

Mason and Paul Drake, well in the background, watched Drake's operative shove a card at one of the waiting officers, then, brandishing his press camera, hurry on past the guard. Other photographers eager to get pictures were crowding on his heels.

Hamilton Burger had evidently advised his office to make certain representatives of the press were on hand, that his party would all pose for pictures, and there would be a good news story.

There was a period of waiting, then the big airship dipped down out of the upper envelope of dark sky, skimming bird-like over the runway to glide in to a graceful landing.

It taxied up to where an attendant with a flag signalled it into a painted circle.

The loading-ramp was wheeled out to the plane, the doors opened and passengers started filing down the steps.

District Attorney Burger and his party quite evidently planned to be the last to disembark.

The last of the other passengers had left the plane. There was a tense moment, then Burger, accompanied by Darwin Kirby, came out to stand on the platform at the top of the portable stairs, a smiling, confident Burger who introduced reporters to Darwin Kirby and posed for photographs.

The newspaper photographers took turns standing on the stairway and flashing bulbs. Then Burger came slowly down

the stairway and, at the foot, just as the reporters were about to turn away, Drake's operative stepped forward with a camera.

"Hold it a minute, Mr. Burger," he said.

Burger struck a pose.

"Which one is Darwin Kirby?"

"This one right here," Burger said. "Step forward, Mr. Kirby."

"Would you mind holding out your hand, Mr. Kirby?" the fake photographer asked.

Kirby held out his hand. The detective slapped a document in it. "Here's a subpoena to appear at the case of People versus Malden on behalf of the defence," he said, and stepped back.

His camera flashed into brilliance as he caught a photograph of Hamilton Burger's angry face, the dismayed features of Darwin Kirby.

"Arrest that man," Burger yelled, pointing his finger at Drake's operative.

The guard at the gate abandoned his post to hurry forward towards the detective.

Mason and Paul Drake pushed their way through the gate, out on to the field.

Newspaper photographers who had been turning away suddenly got back into action with flashing bulbs portraying a drama that had far more news value than the posed pictures.

"Arrest him!" Burger yelled.

The officer grabbed Drake's detective.

"Just a moment, just a moment," Perry Mason observed. "What is that man being arrested for?"

Burger was too angry to notice Mason's identity, but only heard his voice.

"For illegally getting on the field. For using fake credentials."

"I didn't use any fake credentials," the detective said. "I have a permit to go through fire lines. That's all I used."

"Now let's get that straight," Mason said to the officer. "You arrest that man and you're doing it on the orders of Hamilton Burger. Tomorrow I'll file a suit for fifty thousand dollars for false arrest against Burger."

Burger looked up then and saw Mason.

"You!" he shouted, his face turning almost purple. "You're going to be hauled before the Bar Association. The things you've done in this case are going to put you right out of business."

"That's fine," Mason said, stepping forward so that photographers who were circling to get a picture could include both him and Burger in the photographs. "Just be careful that *you* don't put *yourself* out of business, Mr. Burger."

Burger dashed towards Mason, fist upraised.

Mason, moving with the smooth grace of an athlete, placed his left foot forward in approved boxing style, slipped Burger's punch over his shoulder and said: "Don't do that again, Burger, unless you want your jaw smashed."

"You want me to arrest these men?" the officer asked Burger.

Mason, grinning, said: "Certainly, officer, I want you to arrest him for assault and battery. He struck me and I think we have plenty of photographic evidence showing the assault."

Burger, realising the position in which he had placed himself, said: "Nonsense. You struck my arm to one side."

"You hit my arm," Mason said. "That's an assault. Go look up your law, Burger."

"How about this guy?" the officer asked, holding the process server. "Is he to be arrested?"

Burger looked into Mason's eyes, looked around him at the circle of newspaper-men. With considerable effort he swallowed his pride. "No," he said, turning away, and then,

as an afterthought, added: "Let him go. I'll meet Mason in court and before the Bar Association. That's the proper place to handle men of his type."

In that unhappy moment Hamilton Burger knew, and the newspaper-men knew, that Mason had stolen the thunder of his publicity. Not a city editor in the world would waste space on a photograph of Hamilton Burger posing with Darwin Kirby as the key witness in a mysterious murder case when he had available a photograph showing the district attorney, his face distorted with rage, launching a hay-maker at Mason, and the lawyer calmly stepping to one side, slipping the blow over his shoulder.

## CHAPTER SEVENTEEN

MASON, arriving early at his office, checked Paul Drake's reports before leaving for Judge Telford's court to appear in the second preliminary hearing of Steffanie Malden.

Della Street, smiling, laid newspapers on Mason's desk.

"You did all right for yourself at the airport," she said.

Mason grinned. "Burger had planned such a triumphant entry that it really seemed a shame to spoil it."

"Just what's the idea of serving a subpoena on Darwin Kirby?" she asked. "He wasn't going to leave, was he?"

"He wasn't going to leave," Mason said, "but by calling him as *my* witness I can put him on the stand and interrogate him under oath as to everything he knows."

"But won't you then be bound by his testimony?"

"By doing that," Mason said, "I'll kick my ~~case~~ out of the window as far as the preliminary hearing is concerned, but I'll know what aces the prosecution holds before I go to trial before a jury. It's a cinch that Judge Telford is going to bind the defendant over to the superior court for trial—unless, of course, we can pull a rabbit out of the hat somewhere along the line."

"Any chance of that?" she asked.

"I don't know," Mason told her, grinning. "It's the district attorney's hat. One can never tell, there just might be a rabbit in it."

"Suppose there isn't?"

"Then we can't pull one out—unless we can plant one when he isn't looking."

Paul Drake tapped his code knock on Mason's door.

Della Street opened the door.

"What have you found out, Paul?" Mason asked.

Drake said: "They have Darwin Kirby in one of the swank hotels. He's in a suite and being given the full million-dollar treatment. You know what that means."

Mason frowned. "That means his testimony is going to put Hamilton Burger in the clear and crucify Steffanie Malden."

Drake nodded.

"Tell me the rest of it," Mason said. "Has he had any visitors? What can you find out about his telephone calls?"

"I can't find out a thing about his phone calls," Drake said. "To try to approach the telephone operator in that hotel would be equivalent to throwing away my licence as a private detective. I've been able to keep track of his visitors—I'll change that to visitor. There was only one."

"Who?"

"His aunt, his mother's sister. An estimable old girl in a wheel-chair. She's paralysed from the waist down. Sweet, white-haired, but no pictures. Just an informal call on her favourite nephew."

"Where's she from?" Mason asked.

"The Butte Sanatorium."

"What kind of a wheel-chair, Paul?"

"A pippin," Drake said. "The old girl has money. All dolled up with furs, a big car, chauffeur, white-clad attendant and all that."

"Is that the relative Kirby visited with Dr. Malden?" Mason asked.

"That's the one. Dr. Malden drove out to the Butte Sanatorium before taking Kirby home to dinner. I believe Dr. Malden consulted with the doctor who had charge of the case."

"Any other visitors?"

"None whatever. Kirby is sewed up just as tight as a sack

of flour. They aren't taking any chances on him. I heard that his testimony is going to put a rope right around the lovely neck of Steffanie Malden."

"I know, I know," Mason said impatiently. "Paul, what about this aunt of his. Is there any question about her?"

"None whatever," Drake said. "I've looked her up. She's been out at the sanatorium for more than two years."

"How big a sanatorium?"

"One of those small rest cure places up in the foothills away from the fog and smog, restful surroundings, screen porches and all of that."

Mason's phone rang. Della Street answered it, then said: "It's for you, Paul."

Drake got on the line, said: "Hello," listened for a few minutes, said: "Just a minute. I'll give you instructions."

He turned to Mason and said: "Perry, Hamilton Burger has let reporters in to talk with Kirby. They're having a dramatic, last-minute interview just before going to court, and Kirby is telling everything."

"See if you can get a digest of the story," Mason said.

Drake relayed the request into the telephone, listened for a few minutes, then said: "My man has a general summary of what has been said. Kirby went out to the airport with Dr. Malden. Dr. Malden was preparing to take off for Salt Lake City. Malden told Kirby that he took caffeine capsules and drank a little whisky from time to time in order to keep himself awake, that he drove himself so hard in his practice that the steady drone of the motors tended to have a hypnotic effect on him. He had a silver flask. Kirby is certain that the flask that was introduced as People's Exhibit Number One at the first preliminary hearing is the flask that he saw in Dr. Malden's possession.

"Just before Dr. Malden took off he and Kirby had a last drink out of the flask. Kirby took only a small amount of

the whisky because he thought Dr. Malden might need it. Dr. Malden took a pretty good pull.

"Kirby says he went back to the main part of the airport to get aboard his plane. He had fifteen minutes to wait. He began to feel warm and drowsy and completely lost all interest in his surroundings. He felt his head begin to turn heavy and he sat down on a bench. That was the last he remembers until someone shook him awake about three hours later. That someone was one of the attendants.

"Kirby went to a lunch counter and had three cups of black coffee. Only then did he begin to realise where he was. By that time his plane had long since pulled out. He caught another plane to Denver. Even after he got aboard the plane he slept heavily. The stewardess wakened him as they were landing at Salt Lake City. He got off the plane at Salt Lake City, went into the terminal, slept again, missed the next flight, and couldn't find his ticket. He had to buy another ticket from Salt Lake City to Denver. He says there's no question but what the whisky was drugged."

"Of course it was drugged," Mason said. "Who drugged it and when?"

Drake shrugged his shoulders.

"Okay," Mason said, "I'm going to court. By the way, Paul, what's the name of Kirby's aunt?"

"Mrs. Charlotte Boomer."

"And the sanatorium?"

"The Butte Sanatorium."

"What's the number of her room?"

"Room 11. Why?"

"Oh, I don't know," Mason said. "I might want to check up on it."

"It's been checked," Drake told him wearily, "and believe me, Perry, I made a job of it. You told me to check every visitor Kirby had, and I sure did."

"There was just that one visitor?"

"Just the one."

Mason said: "Here's a subpœna. Go out and serve it on Mrs. Boomer."

"As a witness for the defence?" Drake asked.

"That's right."

"You can't get her, Perry. She's paralysed from the waist down."

"If she could go and call on Kirby she can come to court," Mason said. "Have her come in in a wheel-chair. Get an ambulance if necessary."

"It's going to make trouble, Perry. She'll get a physician's certificate and they'll claim you're picking on an old woman, abusing the process of the court, and——"

"I know all that," Mason said, "but see that the subpœna is served."

"But, Perry, she doesn't know a darn thing about the case. She can't."

"Except what Kirby told her."

"Well, Kirby didn't—oh, I see. Well, of course—but here's what you'll run up against, Perry. The district attorney will raise hell about the service of that subpœna. He'll claim you're abusing the process of the court. He'll challenge you to show what you expect to prove by this witness, and——"

"And I'll tell him," Mason said.

"You'll have to have more than mere surmise, Perry. You'll have to have some ground for making the statement, and then, of course, he can stipulate——"

"Are you," Mason asked, "telling me the law?"

Drake thought the matter over for a moment, then grinned. "Hell, no," he said, "but it sure sounded like it for a minute."

## CHAPTER EIGHTEEN

JUDGE TELFORD'S court was crowded to capacity as the clerk called the case of *People versus Malden*.

"Ready for the defendant," Mason said.

Hamilton Burger answered Mason's challenge.

"Ready for the prosecution."

"If the Court please," Burger said unctuously, "I take it that Mr. Mason does not wish to subject the county to a lot of unnecessary expense.

"After all, this case has virtually been tried once before. It was necessary to have a dismissal on the ground of a technicality. I am now challenging counsel to stipulate that the evidence which was received in the earlier preliminary hearing may be deemed to have been received in this case. I have a transcript of that testimony, and if this stipulation is granted I will present the original transcript to the Court, serve a copy on Mr. Mason, and retain a copy for myself.

"I see no reason for going through all of the time-consuming annoyance of presenting proof which has already been presented in this same court in the same case."

"There's no need for argument," Mason said, waving his hand in a generally inclusive gesture. "The stipulation is granted, subject to the fact that I have the right to further cross-examine any witness who was called at that first preliminary hearing."

"Well, if the Court please," Burger said, "that might prove rather annoying. That exception may invalidate the stipulation."

"Why?" Judge Telford asked.

"Well, it might unduly prolong matters."

"But," Judge Telford explained patiently, "if you refuse this stipulation and recall the witnesses and ask them the same questions, Mr. Mason would then have the right on cross-examination to ask the same questions that he asked before, and then he certainly would have the right to ask additional questions."

"Yes, I presume so," Burger admitted.

"Therefore his stipulation has the effect of saving your time, the Court's time and the time of the witness, but still protects the rights of his client."

"Very well," Hamilton Burger said with poor grace, "I will yield the point. I may state that there are matters in this case involving the conduct of counsel which I intend to take up with the Bar Association, and for that reason I do not care to——"

"Now just a moment," Judge Telford said, banging his gavel. "I consider that remark uncalled for. This Court intends to see that extraneous matters are not brought into this case, and that there are no personal interchanges between counsel. Now is that understood, Mr. Burger?"

"Yes, Your Honour."

"Very well. Under Mr. Mason's stipulation the testimony which was offered at the prior case of *People versus Malden* is considered as evidence in this case subject to the fact that Mr. Mason has the right of further cross-examination as to any witness who testified at that earlier trial. Now produce your next witness, Mr. Prosecutor."

"Sergeant Holcomb," Burger announced.

Sergeant Holcomb of the Homicide Squad came forward, took the oath, identified himself as to his name, residence and occupation as a sergeant of Homicide.

"Have you made any attempt," Hamilton Burger asked, "to locate the dentist who did Dr. Malden's dental work?"

"Yes, sir. I have."

"Did you find that dentist?"

"The only dentist I was able to find was one who had done certain work on Dr. Malden's teeth some seven years ago."

"What effort precisely did you make, Sergeant?"

"Every dentist in the city was contacted and asked to search his records to see if he had done work on Dr. Malden's teeth."

"And how many did you find who had done so?"

"There was only one."

"Who was that?"

"Dr. Reedley Munger."

"That is all the questions I have at this time," Burger said.

"No questions," Mason said.

"I will call Dr. Reedley Munger."

Dr. Munger, a tall, slim, dehydrated-looking individual, came forward, held up his hand, took the oath, gave his name, address and occupation to the clerk, and settled down in the witness-chair.

Burger himself conducted the examination.

"Dr. Munger, will you state your qualifications, please, as a doctor of dental surgery."

"Just a moment," Mason said. "We will stipulate the qualifications of Dr. Munger as a doctor of dental surgery subject to a later right to cross-examination in case we so desire."

"Very well," Judge Telford said. "The stipulation will cover the question of qualifications. Proceed, Mr. District Attorney."

"Were you acquainted with Dr. Summerfield Malden in his lifetime?"

"I was. Yes, sir."

"Did Dr. Malden consult you professionally?"

"He did."

"When?"

"Over a period of years, terminating about seven years ago."

"Did you prepare a chart of Dr. Malden's teeth?"

"I did. Yes, sir."

"I will ask you if you have seen a body or the charred remains of a body identified at the morgue by Number 11,231."

"I did. Yes, sir."

"Did you have occasion to inspect the teeth of that body?"

"Yes, sir."

"Did you at that time have a chart in your possession showing the teeth of Dr. Malden as you had last treated them?"

"Yes, sir."

"In your opinion, was that the body of Dr. Summerfield Malden?"

"Well now, Mr. Burger," he said, "that's not exactly the way you put the question to me when——"

"It's the way I'm putting the question to you now," Burger snapped. "Was it or wasn't it?"

Munger pursed his lips, glanced at the district attorney. The trace of an obstinate line made itself manifest at the corners of his mouth.

"My chart of Dr. Malden's mouth was, according to my best belief, not complete. I——"

"Just answer that question," Burger interrupted, suddenly angry.

Dr. Munger's lips straightened in a line of grim obstinacy. "I don't know."

Burger, suddenly shocked at the answer of the witness, said: "Well, what do you know?"

"One thing sure," Munger said angrily, "I know as much about dentistry as you're supposed to know about law."

The court-room roared with laughter as spectators, finding a release from the dramatic tension of the moment, gave way to merriment. Even Judge Telford, doubtless feeling that Burger had invited the rebuff, waited a moment before he

pounded the court to order and admonished the spectators against further demonstrations.

"What I meant," Burger said with cold rage, "was what do you know about the teeth of the body that you saw as compared with the teeth shown in the chart?"

"Dr. Malden," Munger said, "had unusually good teeth when I last saw him professionally. The body I saw had had an average amount of dental decay, and a corresponding amount of repair work. There were several minor fillings as shown upon the chart I have here. It is also to be remembered that the body I saw had been subjected to extreme heat. I will state professionally that it was *possible* the body that I saw could have been that of Dr. Malden, speaking entirely from a comparison of the teeth with my chart. I will also state that it is quite possible the body was *not* that of Dr. Malden."

Burger hesitated a moment, then engaged in a whispered consultation with Carl Hurley.

"Cross-examine," he snapped at Mason.

"In what respect did the teeth of the body you inspected differ from your chart, Doctor?"

"There had been much more work done on the teeth of the man whose body I inspected. Two of the teeth which corresponded to those I had filled seven years earlier had since been extracted. Therefore it was impossible to tell about them. One of the other extractions, that is of a wisdom tooth, was one I had made. One tooth which my chart shows as filled, was the same as one of the teeth of the body, and the filling was of the same character and location in the tooth."

"Those were all the points of similarity?"

"Yes, sir."

"How many other fillings had been made?"

"Five."

"Then if the body was that of Dr. Malden, he had had

rather extensive dental work done since you had last seen him."

"I prefer not to use words such as extensive, Mr. Mason, if you do not mind. I am trying to give my testimony with complete accuracy. I will state that if the body was that of Dr. Malden, then Dr. Malden had had some additional dental work done to the extent that I have mentioned, and that dental work had been done since I last saw him professionally."

"Now had you seen Dr. Malden socially?"

"Yes, sir. I had."

"When?"

"I saw him more or less frequently. We were both members of a luncheon club."

"Did you ever mention to Dr. Malden on those occasions that it had been some time since you had worked on his teeth?"

"No, sir. I do not consider that professional. My contact with Dr. Malden was social. My office records do show, however, that on several occasions Dr. Malden had received a regular, routine notification from my office nurse stating that it had been some time since he had been in to have his teeth checked."

"Did Dr. Malden ever say anything to you about having received those notices?" Mason asked.

"I object, Your Honour. That's incompetent, irrelevant, immaterial, and not proper cross-examination," Hamilton Burger said.

"I'm going to permit the witness to answer the question," Judge Telford said. "The Court is interested in this phase of the matter."

"Yes, sir. He did," the witness said.

"What was that conversation?"

"Dr. Malden told me that he had been receiving my cards and that some day he would drop in, but that his teeth were

in excellent shape, that for some time he had been interested in discoveries relating to the use of a certain chemical in drinking water for the purpose of preserving teeth and that he had been taking minute quantities of that chemical for the purpose of preventing dental caries."

"And he did not at any time give you any reason to believe that he had consulted another dentist?" Mason asked.

"Objected to as calling for a conclusion of the witness, and as argumentative and as not proper cross-examination," Hamilton Burger said.

"I will sustain that objection to the question in its present form on the ground that it is not proper cross-examination."

"Did he state to you that he had consulted another dentist since you had last worked on him?" Mason asked.

"Same objection," Burger said.

"Objection overruled."

"No."

Mason grinned at the discomfited district attorney.

"That's all."

"Just a moment," Burger said, as the witness started to leave the stand. "It is possible, is it not, Doctor, that from a standpoint of dental comparison the body which you saw was that of Dr. Summerfield Malden?"

"It is possible."

"That's all," Burger snapped.

"Is it probable?" Mason asked.

"That," Munger said, "I leave the Court to decide."

"And quite properly so," Judge Telford said, smiling.

"No further questions," Mason said.

"That's our case," Burger snapped, "and, if the Court please, if Mr. Mason wishes to move the Court to release the defendant on the ground that there has been no proper showing of murder, I wish to argue the point."

Mason said: "You've been making quite a fanfare of publicity in the press about having Darwin Kirby as your

prize witness. Why don't you put him on and——"

Judge Telford banged his gavel. "Counsel will address himself to the Court," he said. "There will be no baiting, no recriminations, no interchange of personality between counsel. Do you wish to make a motion, Mr. Mason?"

"I do, Your Honour. I move at this time to discharge the defendant from custody and dismiss the case on the ground that there has been no showing sufficient to bind the defendant over on a charge of first-degree murder."

Burger got to his feet.

Judge Telford motioned him to be seated.

"I don't think I need any argument on the point," he said. "As the matter now stands, *giving every favourable inference* to the testimony of the prosecution, I think it has been proven that there are reasonable grounds to believe that Dr. Summerfield Malden was murdered. In other words, that a crime has been committed. And I believe that by giving the testimony every favourable inference which can possibly be given, there is reasonable ground to believe that the defendant, Mrs. Steffanie Malden, was guilty of that crime.

"I may state to counsel on both sides, however, that here the rule is radically different from what it is in a higher court when the defendant is placed on trial. There the prosecution must prove the defendant guilty beyond all reasonable doubt, and every inference is in favour of the defendant. That is not the rule here. However, for the purposes of this motion *at this time*, and before the defendant has made any showing, the Court believes it must consider every legitimate inference as favouring the prosecution.

"Now the Court will state very frankly that if the defendant makes a showing and the matter is then brought to the attention of the Court as to whether the defendant should be bound over, the Court is not going to indulge every inference in favour of the prosecution. The Court is going to consider

the evidence in view of the laws of reasonable probability.

"However, the motion at this time is denied and the defence may put on any case it may desire."

"Call Mr. Darwin Kirby," Mason said.

Hamilton Burger got to his feet. "If the Court please," he said, "this is a rather delicate matter for me to dis——"

"Don't discuss it then," Judge Telford said. "Let's have Mr. Kirby's testimony. He is now subpoenaed as a witness for the defence. He is being called as a witness for the defence."

"Your Honour, I'm sorry," Hamilton Burger said, "what I was trying to tell the Court was that Darwin Kirby had also been subpoenaed as a witness for the prosecution. Mr. Kirby is, unfortunately, not available."

"Why not?" Judge Telford asked.

"I don't know where he is. The police don't know where he is. It is obvious that he is not in attendance in the courtroom. Now then, Your Honour, in view of that fact I suggest to counsel that if Mr. Mason will state to the Court and counsel what he expects to prove by this witness, that it is quite possible the prosecution can stipulate as to those facts because I think I am quite familiar with the situation. I do know the story of Mr. Kirby, and I think I know why he is unavailable at the moment, which has nothing to do with any reluctance on his part to testify."

Mason said: "Your Honour, I move for a continuance. I move that a bench warrant be issued for the witness Kirby, and that the case be continued until Mr. Kirby can be located; that the defendant be released from custody until Mr. Kirby is found."

"You served a subpoena on Mr. Kirby?" Judge Telford asked Mason.

"The defence did. Yes, Your Honour."

Judge Telford hesitated a moment, then turned to Hamilton Burger. "After all," he said, "the Court is not entirely

inexperienced in these matters, Mr. District Attorney. As I gathered from the Press, Mr. Kirby was in the custody of the prosecution, being held as a material witness. Not only had you subpœnaed him, but you were holding him in a species of custody as a witness."

"That is correct, Your Honour, only we were not holding him in custody in the ordinary sense of the word. He was being kept in a down-town hotel."

"With a guard?"

"With a guard. Yes, Your Honour."

"And what happened?"

"Mr. Kirby left the hotel."

"When?"

"At an early hour this morning."

"What about the guard?"

"The guard thinks that Mr. Kirby eluded him. I have reason to believe—however, I think it is not proper for me to interject my personal opinion other than to state that I am quite certain that Mr. Kirby's absence has nothing to do with any reluctance to appear and testify in this case, but has to do with an entirely different matter. I am, therefore, going to suggest that Mr. Mason state in detail what he expects to prove by Mr. Kirby, and I will then be in a position, I hope, to stipulate to it and the hearing may proceed."

"Very well, Mr. Mason," Judge Telford said, "I think in view of the fact that you are moving for a continuance on the ground that a witness subpœnaed by you is not available, you should explain to the Court what you expect to prove by this witness and give the prosecution an opportunity to stipulate."

"Very well, Your Honour. The defence expects to prove by the testimony of Mr. Kirby that Darwin Kirby and Dr. Summerfield Malden left Dr. Malden's residence on the date when Dr. Malden was supposed to have been murdered; that

Mr. Kirby was intending to take a plane to Denver; that Dr. Malden was intending to fly his own plane to Salt Lake City; that Dr. Malden therefore intended to drive Darwin Kirby to the entrance of the airport where Mr. Kirby would catch his plane, and then Dr. Malden intended to go to the other portion of the airport where the hangar was maintained, and Dr. Malden's plane was kept.

"The defence expects to prove by Mr. Kirby, when Mr. Kirby is under oath and on the witness stand, that during the course of the drive to the airport Dr. Malden suggested that since his visit with Darwin Kirby was so enjoyable that the two men would drive to Salt Lake City in Dr. Malden's automobile; that Darwin Kirby could then pick up plane transportation from Salt Lake City to Denver; that there would not be any great delay inasmuch as the men could spell each other driving and could make Salt Lake City within a twenty-four hour period.

"The defence expects to prove by Darwin Kirby that Dr. Malden thereupon telephoned his chauffeur, Mr. Ramon Castella, to fly Dr. Malden's aeroplane to Salt Lake City. In that way, during the time the medical convention was in progress in Salt Lake City, Dr. Malden would have his automobile; Dr. Malden could, at the termination of the convention, fly his own plane back here and that Castella could drive the car back.

"We expect to prove these things by Darwin Kirby."

Mason sat down.

Hamilton Burger, his face a picture of angry surprise, stared open-mouthed at Mason, then suddenly he got to his feet with a roar of anger.

"Your Honour," he shouted. "Counsel doesn't expect to be able to prove any such thing. That is simply a grandstand play, something that is being made up out of whole cloth. That is taking advantage of the Court. I challenge the good faith of counsel. I challenge him to produce one iota of proof

which would indicate that any such thing took place. I challenge him to state to the Court that he ever had any conversation with Darwin Kirby that gave him any reason whatever to anticipate that Mr. Kirby would make any such statement and——”

“I wasn’t permitted to talk with Darwin Kirby,” Mason said. “The prosecution held him in isolation. It was impossible to talk with him.”

“If the Court please,” Burger roared, “this whole thing now assumes a sinister aspect. In keeping with the reputation of counsel for these last-minute grandstand——”

Judge Telford’s gavel banged.

“Leave counsel’s reputation out of it,” he said. “Confine yourself to statements of fact, Mr. Burger, and such legitimate argument as you wish the Court to consider. The Court does not intend to admonish you on these matters again. The Court has a very drastic remedy with which it can enforce its orders if necessary. The Court does not wish to use that remedy unless it is absolutely necessary, but the Court is going to see that there are no more personal recriminations in this court-room. Now do you understand that?”

“Yes, Your Honour.”

“Very well, proceed with your argument.”

Hamilton Burger said: “I think, Your Honour, it is a very fair inference in view of counsel’s statement that the absence of Darwin Kirby is not detrimental to the defendant’s case but is greatly to her advantage. Surely the Court can appreciate the effect that this statement of Mr. Mason is going to have. If uncontradicted and undenied it will be emblazoned upon the pages of the papers and will create an enormous amount of public sympathy favourable to the defendant. I insist, Your Honour, that this statement, made upon no other foundation than an expectation on the part of Mr. Mason, an expectation which has absolutely no groundwork, in fact, constitutes a contempt of this court.

"I will further state that I have personally talked with Darwin Kirby; that I know Darwin Kirby's story thoroughly; that newspaper reporters have talked with Darwin Kirby; that members of the police force have talked with Darwin Kirby; that members of my staff have talked with Darwin Kirby; that at all times Darwin Kirby's story has been the same; that story has absolutely no similarity to this wild concoction of surmise, conjecture and falsity which the Court has just heard from the lips of counsel for the defence.

"I wish to state for the purpose of the record that Mr. Kirby's story has never varied. It has always been consistent. It is to the effect that he partook of the drugged whisky from the flask, People's Exhibit Number One; that he saw Dr. Summerfield Malden partake of that whisky; that the witness Kirby within a short time began to suffer from the effects of a drug. Those effects were such as to cause him to miss his plane; that from the lips of the witness Kirby it will be possible to prove absolutely that Dr. Summerfield Malden took off on a flight to Salt Lake City in his plane under the influence of narcotics which had been deliberately placed in that whisky for the purpose of perpetrating a murder.

"I can, Your Honour, call half a dozen witnesses to the stand who will testify in detail as to the story Kirby would tell."

"That, of course, will be hearsay," Mason said.

"Not for the purpose of this motion," Burger protested angrily.

Judge Telford nodded. "I think in view of counsel's statement I will shift the burden to Mr. Mason. Mr. Mason, you have never questioned Darwin Kirby?"

"Not about this phase of the case, Your Honour. I was interrogating this witness in Denver when the prosecutor ordered two Denver police officers to eject me from the premises. I was given no other opportunity to complete that interview."

"Have you any reason, Mr. Mason, from anything Mr. Kirby has said, to expect that he would give any such testimony as you have stated here?"

"Not from the lips of Mr. Kirby. I wasn't permitted to question him."

"Other people questioned him?"

"I believe so."

"And you have heard nothing from those other people which would tend to substantiate this statement you have just made?"

"No, Your Honour."

Judge Telford shook his head. "Under the circumstances, Mr. Mason, it would certainly seem that there is some foundation for the prosecution's attitude in this matter. We are all realists here and we understand only too well the effect that any such statement as yours must inevitably have upon the publicity relative to this matter."

"Yes, Your Honour."

"Surely," Judge Telford said, exasperated at Mason's attitude, "you must have had *some* ground for making such a statement."

Mason said: "If the Court please, I served Darwin Kirby with a subpoena on behalf of the defence. I had reason to believe that Darwin Kirby might very well tell a rather fanciful story of what had happened when interviewed by the district attorney and by the Press, but he would not dare to go on the witness stand and swear to that story. I had every reason to believe from my investigation that his story was false and that Darwin Kirby would disappear before it came time for him actually to take the witness stand. I therefore served a subpoena on Darwin Kirby, and was threatened with arrest disbarment and proceedings for unprofessional conduct because I had even presumed to take advantage of the only opportunity I had to see that a subpoena was served on this witness.

"Now then, Your Honour, this witness had done exactly what I anticipated he would do. He has disappeared.

"The prosecutor intimates that I am responsible for that disappearance in order to put my case in a more favourable light. It would be as reasonable for me to intimate that the prosecutor had aided and abetted that disappearance because he had realised that this witness, if called upon to take an oath, would tell a story diametrically opposed——"

"Are you accusing me of aiding and abetting Kirby's disappearance?" Burger yelled, jumping to his feet.

"Were you accusing me of aiding and abetting Kirby's disappearance?" Mason asked, turning to glower at Burger.

Judge Telford's gavel banged heavily. "Counsel," he said, "will please be seated."

Mason and Burger sat down. Judge Telford glared at them. After a moment he said: "If you have any other remarks which may properly be addressed to the Court, Mr. Mason, in connection with your argument, you may arise and make those remarks."

Mason got to his feet and said: "I subpoenaed this witness. I wanted to interrogate him on behalf of the defence. The witness is not available. I was called upon to state what I expected to prove by this witness. I had no other alternative as representing the defendant in this case but to make that statement."

"But you made that statement without any grounds, without any logic, without any reason behind it," Judge Telford said.

"I made that statement because I sincerely believed, Your Honour, that that is approximately what Darwin Kirby would have been forced to swear to if he had been interrogated under oath."

Judge Telford drummed on the desk with the tips of his fingers. "This situation is rather startling," he said. "It is, as far as I'm concerned, somewhat without precedent.

Usually when counsel ask the Court to grant a continuance on the ground of the absence of a witness, it is a witness who is, in fact, favourable to the side of the case represented by counsel. The witness has, therefore, been interrogated by counsel, and counsel, under those circumstances, is supposed to know what the witness would swear to, and, under those circumstances, statement by counsel to the Court made for the purpose of seeing whether opposing counsel will stipulate that such would have been the testimony of the witness must be made in the greatest good faith.

"However, under the present circumstances, as Mr. Mason has pointed out, he was forcibly prevented from interrogating Darwin Kirby, I am assuming that counsel undoubtedly has some reason, no matter how nebulous that reason may be, for thinking, or perhaps I may say hoping, that Kirby would have given such testimony if he had been present.

"Is that the case, Mr. Mason?"

"That is the case."

"I challenge counsel to produce anything, any scintilla of evidence, anything, no matter how remote, no matter how conjectural it may be, that would support any such statement on his part," Burger said.

"I take it," Mason said, pointedly addressing the Court, "that the prosecution does not care to stipulate that Darwin Kirby if present in court would testify substantially as I have stated and that such testimony would be true."

Judge Telford was forced to suppress a smile.

Hamilton Burger, on his feet, his face choleric with rage, shouted: "I will not stipulate to any single one of those preposterous statements. I sincerely contend that those statements constitute only a desperate attempt on the part of a defendant— —"

Judge Telford's gavel banged Hamilton Burger into silence. "That is all, Mr. Burger," he said. "You may be seated. The Court notes your refusal to so stipulate.

"Now, Mr. Mason, the Court would like to know something of the reasoning or the facts, whatever they may be, that has caused you to make such a statement to the Court. The Court feels you should show your good faith."

Mason said: "Very well, call Mrs. Charlotte Boomer to the stand."

Hamilton Burger arose. "If the Court please," he said, evidently trying to restrain the extreme exasperation in his voice, "the defence served Mrs. Boomer with a subpoena. Mrs. Boomer is an estimable elderly lady who has been crippled for some years. She is paralysed from the waist down, is confined to her wheel-chair, and it is a physical impossibility for her to be in court.

"I dislike to bring the matter up at this time in view of past interchange between counsel and myself, but I may state that I am prepared to state to the Court and to produce evidence indicating that the use of a subpoena to bring Mrs. Boomer into this court in this case was an abuse of the process of the court on the part of counsel and was intended for the purpose of publicity rather than otherwise; that Mrs. Boomer knows nothing whatever about this case and——"

"You state that Mrs. Boomer is unable to come to court?" Judge Telford interrupted.

"Yes, Your Honour."

"You have a physician's certificate to that effect?"

"I have her attending physician present in court who is waiting to testify in that connection."

"Who is he?"

"Dr. Charles Ennis."

Judge Telford said: "This case is rapidly assuming a trend that I don't like. I do not know whether there has been an abuse of process or whether there has been any unprofessional conduct by either counsel to the case. I will state, however, that this is the second time such a charge has been made. I am, therefore, going to suggest to counsel that Dr. Ennis

will come forward and be sworn and the Court will examine him; that both counsel will keep quiet.

"Dr. Ennis, come forward, please."

Dr. Ennis, a man in his late fifties, his manner radiating clean-cut professional efficiency, came forward and was sworn.

"Dr. Ennis," Judge Telford asked, "are you treating Mrs. Charlotte Boomer?"

"Yes, I am, Your Honour."

"What is her present condition?"

"She is suffering from a total paralysis from the waist down. She is confined to her room. She can take short journeys in a wheel-chair, but a trip by automobile to this court-room would, in my opinion, be entirely out of the question."

"Would it have a deleterious effect upon her health?"

"It would be very detrimental to her health. Added to her other ailments is a nervous disorder. I feel that I simply cannot permit my patient to be subjected to any such ordeal."

Judge Telford thought for a moment, then turned to Perry Mason. "Mr. Mason," he said, "I am going to ask you to watch your answer in order to avoid any controversial matter, but I am going to ask you to state to the Court just what you expected to prove by the witness Charlotte Boomer so that counsel for the opposite side will be given the opportunity to stipulate that Charlotte Boomer might have so testified if she had been called as a witness."

Mason got to his feet.

"You understand, Mr. Mason, that I want this statement to be short, concise and to the point. I want you to state exactly what you expect Mrs. Boomer would have testified to if she had been here."

Mason bowed his head.

"Now that is," Judge Telford said, "what she would have

testified to that would have been pertinent and relevant to the facts in this case."

Again Mason bowed.

"Very well, proceed," Judge Telford said, leaning forward to make sure that he missed no words.

"Nothing," Mason said, and sat down.

There was a moment of tense dramatic silence, then slowly Judge Telford's face began to redden.

"Mr. Mason, stand up!" he snapped.

Mason stood up.

"You served a subpœna on Mrs. Boomer?"

"Yes, Your Honour."

"You subpœnaed her to appear here as a witness for the defence?"

"Yes, Your Honour."

"You knew that Mrs. Boomer was in poor health?"

"Yes, Your Honour."

"And you expected that Mrs. Boomer could testify to nothing that would be pertinent to the facts in this case?"

"Yes, Your Honour."

"Under those circumstances," Judge Telford said angrily, "it would certainly seem that there has been a flagrant abuse of the process of this court. Counsel has been guilty of a contempt of this court. It remains for the Court to impose a sentence for contempt of court that is fitting with the flagrant contempt counsel has shown——"

"Just a minute," Mason interrupted.

"Don't interrupt me, Mr. Mason. The Court sentences you to a fine of one thousand dollars and to imprisonment for three months in the county jail for contempt of this court and abuse of process."

Hamilton Burger settled back in his chair with a sigh of contentment. He turned and grinned at some of the newspaper reporters who were frantically scribbling.

"May I have an opportunity to state a legal reason why sentence should not be pronounced, Your Honour?" Mason asked. "I believe that is a concession granted to defendants even when a court is sentencing them to death after a verdict of guilty."

Judge Telford controlled himself with difficulty. "You may, yes, Mr. Mason. Please be brief, however, and not indulge in argument but make a statement of fact."

"Very well, Your Honour. I expected that Mrs. Boomer would be able to testify to nothing that would be pertinent to this case, and I felt that that fact would be the strongest argument that the defence could have."

"In what way?" Judge Telford asked, still angry, but becoming interested.

"Because," Mason said, "Dr. Ennis has testified that she could not take a long trip to this city by automobile without jeopardising her health. Yet the records of the guards who were guarding, or supposed to be guarding, Mr. Darwin Kirby, will show that Mrs. Charlotte Boomer, who is Darwin Kirby's aunt, presumably did make that trip by automobile to this city and, in a wheel-chair, visited Darwin Kirby. Now, Your Honour, I ask to be given the courtesy, which is my right, of cross-examining the witness, Dr. Ennis.

"I may, with all due respect, call to the attention of the Court that before I was given an opportunity to cross-examine this witness, the Court asked me to arise, asked me a question and then pronounced sentence for contempt of court. I am representing a defendant accused of crime. I expected to prove by Mrs. Boomer that she knows nothing of this case, that she did not, in fact, visit Darwin Kirby.

"I think if the district attorney will be fair with the Court, the district attorney will confer with his police guards and state to the Court that actually Darwin Kirby did receive a visitor——"

Mason broke off as Sergeant Holcomb came forward to whisper in Hamilton Burger's ear.

Hamilton Burger jumped to his feet and said: "The prosecutor has no desire to conceal anything from the Court. Charlotte Boomer did call upon Darwin Kirby yesterday. She was the only visitor that Darwin Kirby was permitted to have. She is Darwin Kirby's aunt. There is a bond of affection between them, and Mrs. Boomer, at great inconvenience to herself, did leave the sanatorium, journey by automobile and wheel-chair and call upon Darwin Kirby."

"Then," Mason said to Hamilton Burger, "how does it happen that you have produced a witness, Dr. Ennis, to testify that a journey to this court-house, which is certainly no farther than to the hotel where Darwin Kirby was staying, would be detrimental to the health of Charlotte Boomer?"

Hamilton Burger turned to look in perplexity at Sergeant Holcomb.

Sergeant Holcomb shrugged his shoulders.

"Now then," Mason said, "I renew my request, Your Honour, that I be permitted to cross-examine Dr. Ennis."

"You have that permission. Cross-examine," Judge Telford snapped.

Mason smiled at Dr. Ennis. "Doctor," he said, "you have stated that it would be detrimental to the health of Mrs. Boomer to leave the sanatorium where she is confined and come to this city?"

"Yes, sir."

"How detrimental?"

"It would be seriously detrimental in my opinion."

"And would result in an impairment of her health?"

"Yes, sir."

"When did you last see Mrs. Boomer?"

"I saw her early this morning."

"At whose request?"

The doctor hesitated a moment, looked at Burger, then

said: "At the request of Hamilton Burger, the district attorney."

"And what was the state of her health?"

"Her health is not good."

"With relation to yesterday?"

"It was approximately the same as the last time I saw her."

"When was that?"

"Forty-eight hours ago."

"And what was the state of her health then with reference to what it had been a week before?"

"About the same."

"Then," Mason said, "how do you account for the fact that she did go to town, that she did ride in an automobile, that she was lifted from an automobile to a wheel-chair, that she did enter a hotel, that she did go up in the hotel elevator, that she did confer with Darwin Kirby, and that she did leave the hotel by elevator, that she was returned to an automobile and was returned to the sanatorium, and that all of this had no detrimental effect on her health?"

Dr. Ennis pressed his lips together in a firm, angry line. "I don't think she made any such trip."

"You don't know whether she did."

"I am satisfied she didn't."

"What satisfies you, Doctor?"

"If she had, I think she would have told me, and I think the hospital would have told me. The hospital has orders not to indulge in any change in treatment without my endorsement and without my notification."

"Then you don't think she left the sanatorium?"

"No, sir, I do not."

"And if Sergeant Holcomb said she did, Sergeant Holcomb would be mistaken?"

"I object to that as argumentative," Burger said.

"Sustained," Judge Telford snapped.

Mason sat down with a grin. "No further questions, Your Honour."

Judge Telford drummed with his fingers on the desk in front of him, then turned to the doctor.

"Dr. Ennis," he said, "are you certain this woman didn't leave the hospital?"

"I don't think she did. Of course, I can't be certain. I wasn't there watching her, but I may say that if she did it is a violation of all the rules under which the hospital is conducted. It is a most unusual situation. Furthermore, if she had made any such trip as that I am absolutely satisfied that I would have found a very manifest physical reaction this morning."

"What is her mental condition?"

"It is not good. It is not entirely clear. She is disoriented. She has certain symptomatic reactions. I'm absolutely satisfied that she could not have left that sanatorium and gone to the hotel."

"Very well," Judge Telford said. "Do you have any questions, Mr. Burger?"

The prosecutor once more conferred in a whispered consultation with Sergeant Holcomb.

Sergeant Holcomb was vigorously protesting a point, but Burger kept shaking his head. Finally Burger turned to the Court and said: "No questions, Your Honour."

Mason said: "I desire in connection with this motion to call Sergeant Holcomb to the stand."

Sergeant Holcomb seemed eager to take the witness stand.

Having given his name, occupation and address, he turned to Mason.

"Are you acquainted with Mrs. Charlotte Boomer, an aunt of Darwin Kirby?"

"I certainly am," Sergeant Holcomb said.

"When did you see her?"

"I saw her yesterday."

"Where was she?"

"In Darwin Kirby's room at a down-town hotel, talking with him."

"You permitted her to visit Darwin Kirby?"

"I did, yes, sir."

"Did you talk with her?"

"Not to any great extent."

"But you did talk with her?"

"Yes."

"Can you describe her physical appearance?"

"She was in a wheel-chair. Her lower body was bundled in blankets. I gathered it was necessary for her to be kept warm. She was wearing furs and a hat. She had grey hair about her face."

"Can you describe her face?"

"It was rather sharply featured. Her colour seemed good. The thing that impressed me about her was her eyes. They were alert, intelligent, penetrating eyes."

"What colour were they?" Mason asked.

"A keen grey."

Dr. Ennis, from the back of the court-room, shouted: "Her eyes are brown!"

Judge Telford was so interested that he didn't even notice the unconventional nature of the interruption.

"What colour are her eyes, Doctor?" he asked.

"Brown."

"Grey!" Sergeant Holcomb protested. "I saw them clearly."

Dr. Ennis got to his feet. "Her features aren't sharp, Your Honour, her face is bloated.

"There has been an impairment of moisture elimination and the body has a condition which the layman might describe as waterlogged. It is necessary to drain off liquid at regular intervals."

"Why, she was sharp as a tack," Sergeant Holcomb interrupted from the witness stand.

"How did you know she was Charlotte Boomer?" Mason asked.

"Why, she told me so, and Darwin Kirby told me so."

Mason smiled at him. "You shouldn't have relied on hearsay evidence, Sergeant Holcomb. It will have a very detrimental effect upon your professional career. For your information the person who called on Darwin Kirby and whom you permitted access to his room and then let slip through your fingers *was Dr. Summerfield Malden!*"

And Mason sat down.

Hamilton Burger jumped to his feet, gathered in his breath, held that breath, stared groggily at Mason, then turned to Sergeant Holcomb, finally to the Court, and suddenly sat down as though sheer surprise had buckled his knees.

Judge Telford looked from the witness to Mason, to Dr. Ennis.

"Dr. Ennis," he said, "can you find out whether yesterday Charlotte Boomer actually left the sanatorium where she is confined?"

"Certainly," Dr. Ennis said.

"How long will it take for you to get that information?"

"As soon as I can put through a telephone call."

Hamilton Burger, now having his second wind, got to his feet. "Your Honour," he said, "I protest this wild statement by counsel that this person was Dr. Malden. He can't prove it was."

Mason said: "Your Honour, the district attorney has made a statement that the person who called on Darwin Kirby was Charlotte Boomer." The lawyer let the force of his remark sink in and then said: "*He can't prove that it was.* In view of that statement on the part of the district attorney which is manifestly incorrect and presently will be proved to be completely false, I am entitled to make my statement that that person was Dr. Summerfield Malden."

Mason sat down.

The newspaper reporters made one wild scramble for the door of the court-room. Heedless of Judge Telford's shouted rebuke that court was in session, heedless of the pounding of the judge's gavel, they elbowed and jostled each other, trying to be first to get out of the court-room to reach a telephone.

## CHAPTER NINETEEN

PAUL DRAKE tapped his code knock on the door of Perry Mason's private office.

Della Street let him in.

Drake looked at Mason and grinned. "How the hell did you know, Perry?"

"I didn't *know*," Mason said, "but I surmised."

"How?"

"Because," Mason said, "we were just like an audience watching the trick of a stage magician. We were so interested in the patter and the build-up that went with it that we neglected to notice what was actually being done."

"Notice how a stage magician will take a watch from someone at the back of the audience, then walk down the aisle transferring the watch first to his left hand then to his right hand in order to show people on both sides of the audience that he is holding the same watch. Actually what he is doing is transferring it from his left hand to the right hand so he can make a substitution while his body is concealing what he is doing from the audience, but because he insists that he is doing it in order to keep the watch in constant view of the audience, the audience accepts what he does at face value."

"Look what happened in this case. Dr. Summerfield Malden is working himself to death in a hectic medical practice. He only has a few years to live. He is in need of complete physical and mental rest. He is in love with his office nurse. He naturally wants to be with her. His wife is a gold-digger who won't give him a divorce, but is intent upon sticking him for every penny that he owns. She is a snoop who takes photostatic copies of his note-book, who makes

wax impressions of the keys on his key-ring and exercises strict supervision over his every move.

"Dr. Malden disappears. Apparently he is in a position to have taken a hundred thousand dollars in cash with him. His office nurse disappears fortuitously at the same time. Now then, under those circumstances what's the logical conclusion?"

Drake grinned. "When you put it that way, Mason, there's only one logical conclusion. Dr. Malden, knowing that he only had a few years to live, saved enough money to carry him through those few years and decided he would have rest and happiness with the woman he really loved."

"Exactly," Mason said. "Dr. Malden was a man who planned things with consummate skill. He was a cold-blooded thinking machine who reasoned out every last detail. He doubtless would have staged a disappearance that would have been dramatic. He probably would have flown his plane out to sea, baled out in a parachute, been rescued by Gladys Foss who was awaiting him at a predetermined point, and would have gone down in the annals of aviation as another amateur who took off in inclement weather and became lost.

"But fortunately circumstances played right into Dr. Malden's hands. At least that's the way I figure it out."

"Well, you had it doped out right, Perry," Drake said. "I just came from headquarters. Following the bombshell that you tossed in their midst they got hold of Ramon Castella and started sweating him. Finally Castella admitted everything he knew. By dovetailing all the facts together it now appears things happened exactly as you thought.

"Dr. Malden and Gladys Foss were building up new identities in Sacramento. No one would ever have thought the Mr. and Mrs. Charles Amboy who had so quietly been living there for months could possibly be the missing Dr. Summerfield Malden and his pretty nurse.

"Later on they intended to move over to the Hawaiian Island and get a little place on Maui where they could live on nothing a month if they wanted to.

"That would have been a doctor's paradise. Warm water, no telephones, a semi-tropical climate, breadfruit, poi, bananas, coconuts, palms, sunshine, long lazy days listening to the indolent surf instead of the complaints of patients.

"Kirby had been over there getting established and he'd written Dr. Malden from time to time telling all about the lazy, languorous life. Dr. Malden had burned those letters as soon as he received them because Kirby was hiding out where he couldn't be found and Dr. Malden was protecting him.

"According to the confession Castella made to the police, Dr. Malden and Kirby took Malden's car out of the garage, then drove around and picked up Castella, who was to drive them to the airport and bring the car back.

"Dr. Malden intended to take off in his plane and then have Castella drive Kirby over to the passenger section so Kirby could catch his plane to Denver.

"Dr. Malden filed his flight plan, got everything ready to take off, and then, since he was enjoying Kirby's company so much, suggested that Kirby fly with him as far as Salt Lake and pick up the Denver plane there. Kirby objected that the noise of the motor would interfere with their visit and suggested that they drive to Salt Lake City as he still had a lot of things he wanted to discuss with Malden.

"According to Castella's confession, Dr. Malden, instead of cancelling his flight, told Castella to fly the plane to Salt Lake City and take the train back. Castella, of course, who wasn't blind to what was going on, concluded that Dr. Malden intended to fly his own plane back but intended to meet Gladys Foss in Salt Lake City and she would drive his car back.

"Dr. Malden and Kirby started out, but Castella had an axe of his own to grind. He had been stealing narcotics from Dr. Malden and was all mixed up in a dope ring. The head of this dope ring, whom Castella hated and feared, had been putting pressure on Castella to let him take Dr. Malden's plane for a rendezvous with a dope-smuggling plane in the desert.

"As soon as Malden left the airport, Castella rang up the head of the dope ring and told him that if he started right away he could take Malden's plane, made a rendezvous with the dope smugglers, fly on to Salt Lake City and deliver the dope there. The gang leader jumped at the chance.

"Castella saturated the whisky in Dr. Malden's flask with morphia, which, of course, he had previously stolen from Dr. Malden's supplies. The gang leader showed up intent on taking off at the earliest possible moment. Castella insisted they have a 'stirrup cup'. The gang leader was a heavy drinker. Castella pretended to take a good swig, and the gangster really took a good jolt, then got in the plane and took off.

"Castella had deliberately planned a murder, under such circumstances that he felt there was no chance on earth he would ever be caught. He felt certain the plane would crash in the desert. Everyone would think the body in the plane was his. All he had to do was disappear.

"So Castella awaited developments. He heard the plane had crashed, but to his surprise found that everyone took the body to be that of Dr. Malden, so Castella laid low, hourly expecting that Dr. Malden would release information that it was Castella who had taken the plane due to a last-minute switch in plans.

"Dr. Malden and Kirby, however, driving to Salt Lake City, apparently picked up a news broadcast over the car radio announcing the discovery of the crashed plane and, of course, stating that the body was that of Dr. Malden. Malden

had been planning to disappear and join Kirby in his tropical paradise. Kirby and Dr. Malden were buddies. Kirby had become tired of married life and was living in easy luxury on a tropical island. He had a native girl with whom he was in love, and Malden was in love with his office nurse. Castella had intercepted one of Kirby's letters and knew what was going on.

"After twenty-four hours had passed and there had been no word from Dr. Malden, Castella realised what must have happened. Malden and Kirby had seized on the aeroplane crash as offering an opportunity to carry out their plans. They assumed, of course, that it was Castella's body that was in the plane wreckage. By keeping quiet about the last-minute switch in Dr. Malden's plans, Dr. Malden could stage his disappearance with no risk of discovery. In fact, it's a pretty good guess that Dr. Malden and Kirby were planning the details of a disappearance while they were en route to Salt Lake City.

"Castella went back to his rooming-house and accounted for his absence by saying he had been out on the speedboat, overhauling the motor in accordance with Dr. Malden's instructions.

"Castella had suddenly found himself in a marvellous position to amass material which he could later use for blackmail. Unfortunately for him, however, the Federals were closing in on him on account of the dope racket. Then Hamilton Burger, the district attorney, finding doped whisky in the flask, jumped to the conclusion Mrs. Malden had murdered her husband. Castella, a thorough-going crook, having a murder of his own to conceal, being involved in a dope racket that was about to catch up with him, tricked the district attorney into letting him turn 'state's evidence', telling a story that would involve Mrs. Malden in the dope traffic and in the murder of her husband, receiving in return a guarantee of immunity from the district attorney.

"He felt he was sitting pretty. Dr. Malden or Darwin Kirby were the only ones who could possibly refute his story, and neither one of them dared to do so. Castella, having secured immunity from the district attorney, could swear to a case against Mrs. Malden, then start looking for Dr. Malden and Gladys Foss, and, when he found them, bleed them white with blackmail."

Mason thought over Drake's statement. "Well," he said, "you can put two and two together and figure what must have happened. Dr. Malden and Kirby worked out their plans. Dr. Malden drove on to Salt Lake City. Kirby went on from there, taking a plane to Denver to play out the last act of his peculiar domestic entanglement, and complete the scheme of revenge that he had worked out on his wife and his in-laws.

"Gladys Foss must have heard the news broadcast about Dr. Malden's death before she took the plane from Phoenix to Salt Lake City. During that time she thought Dr. Malden was dead. We can imagine how she must have felt when she arrived in Salt Lake City and heard his voice on the telephone. Remember the hostess on the plane told us she had been mourning the death of her 'husband' while she was on the plane from Phoenix to Salt Lake. How about the money in the safe at the Dixiewood Apartments, Paul? Did you find anything about that?"

Drake shook his head. "Castella knew nothing about the Dixiewood apartment. He knew about Gladys Foss but not about the apartment. Of course Mrs. Malden had uncovered that secret. You can see Dr. Malden's position. He was surrounded by people who were snooping on him. His wife making photostatic copies of his notebook, wax impressions of the keys in his key container. Castella was stealing dope from Dr. Malden's supplies and was perfectly willing to do a little blackmailing on the side.

"My best guess about the money, Perry, is that Dr. Malden

had been holding out large sums of cash from his income. He'd also been playing the horses. Anything that he might have won was in the form of cash. The man evidently has the cold, calculating, scientific type of mind that enabled him to do a pretty good job of handicapping. He had an iron will and he played only according to a certain secret system by which he could parlay winning combinations. If he won, he won big and in cash. If he lost, he lost small.

"Gladys Foss had left her car in Sacramento. She flew from Salt Lake City to Sacramento, picked up her car and drove to the Dixiewood Apartments so she could clean out her personal belongings.

"In the meantime, Dr. Malden, probably wearing a rudimentary disguise, flew in here from Salt Lake City, went directly to the apartment, opened the safe, cleaned it out and left the door of the safe open.

"The idea was to make it appear that Gladys Foss had taken the money, that she had previously been embezzling money. Gladys Foss was, of course, to disappear. In that way the Internal Revenue Department would be all mixed up. They wouldn't know whether the cash shortage was because of Dr. Malden cheating on the income tax, or whether Gladys Foss had been embezzling money in order to play the horses.

"Imagine Gladys's surprise when she reached the apartment and found the safe door *closed*, the picture back in place and all of that. She, of course, knew Dr. Malden's plans."

Mason nodded.

"The only thing I can't see," Drake said, "is why Dr. Malden left absolutely all of his property to his wife, whom he hated."

Mason said: "He had to do that. If he'd disinherited her it would have aroused suspicions right from the start. Remember that he wasn't planning to have his body found in a

burned aeroplane. He was planning on simply disappearing."

"That's so," Drake said.

Mason chuckled. "So Mrs. Malden really was telling the truth when she came to see me, except that she was making up the part about being followed. She wanted *me* to go to that apartment. She wanted *me* to figure out the combination to the safe. She wanted *me* to get the money out of the safe, and then she thought I'd be smooth enough and crooked enough to hold a hundred thousand bucks in cash until after things had blown over. Then I was supposed to present her with fifty thousand dollars in tax-free money, and keep a like amount for myself.

"Well, that means Dr. Malden and Gladys Foss have already put their plans into operation. Somehow, Paul, I have an idea no one's going to find them. He must have been in Gladys's bungalow when I rang the bell and walked in. He'd been sitting in the chair reading the racing news. I should have been more suspicious when Gladys Foss told me she had been occupying the chair, but the idea of her playing the horses and being short in her accounts presented such interesting legal possibilities that for the moment I accepted everything at face value."

"I wonder what will happen to Kirby," Drake said.

Mason grinned. "I doubt if Hamilton Burger is *too* anxious to find Kirby, Paul. Of course, Kirby was willing to do everything he could to help in the matter of Dr. Malden's disappearance. He was willing to tell all kinds of lies to the district attorney and to the newspaper reporters, but he was afraid to get on the witness stand and make those statements under oath because then, if the truth ever came out, he'd have been guilty of perjury, and a man who had planned for so long to spend his life on a tropical island, swimming in the surf, eating breadfruit, poi and bananas, naturally wasn't very keen on being cooped up in a cell, eating prison grub and doing hard labour."

"You think that was Dr. Malden disguised as the invalid aunt who called on Kirby?" Drake asked.

"Sure it was. Kirby in some way had managed to get word to Dr. Malden—wait a minute, wait a minute! Della, let's have yesterday's papers."

Della Street went to the closet and brought out the newspapers of the day before.

Mason hurriedly skimmed through the personal columns, then snapped his fingers.

"Found it?" Drake asked.

"Found it," Mason said, "and I'm kicking myself for not thinking of it sooner. Listen to this: 'S.M.: Will cut off my right arm to help you but I can't afford to raise it. D.K.'"

"That clinches it," Drake said.

Mason grinned over at Della Street. "Technically, I'm still under a jail sentence of contempt of court. Let's go eat. It may be the last good meal I'll have for quite a while."

"Don't worry about Judge Telford," Drake said. "He's filled with remorse. He told the newspaper reporters that you made one of the most splendidly dramatic court-room fights he had ever witnessed; that it was your duty as an attorney to fight for your client every inch of the way, and that your courageous action had helped expose the truth."

Mason walked over to the hat closet, picked up his hat.

"All right, Paul," he said, "you stay and pick up the loose ends. I want all the information you can get. Della and I are going to celebrate."

"That's right," Drake grumbled, "you always leave *me* the tough part."

Mason grinned. "You think *you* have the tough part, Paul. What would have happened if *I* had given *you* the key Mrs. Malden left for that apartment, and asked you to go up there and look around?"

The half-bantering smile abruptly left Paul Drake's face. "You mean I'd have found an empty safe and——?"

"Exactly," Mason said. "And Mrs. Malden would have thought that *you'd* embezzled the hundred thousand dollars."

"You win," Drake said. "Go on out and make whoopee with Della. I'll stay here and pick up the pieces. Gosh, I never thought of that possibility. Wouldn't *that* have been something?"

"Keep thinking of it," Mason said dryly, "and then you'll know something about how I felt when I saw that safe door half open. Come on, Della."